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**Initial report submitted by the State of Palestine
under article 40 of the Covenant, due in 2015***

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Introduction

1. The State of Palestine acceded to the International Covenant on Civil and Political Rights on 1 April 2014, without entering any reservations. The drafting of the present report – which is the first official report of the State of Palestine under this instrument – demonstrates the desire of the State to implement the Covenant at the national level and to fulfil its obligations under article 40. The report describes national measures, frameworks and procedures particularly as concerns the legislative, judicial, administrative and regulatory issues involved in the implementation of the Covenant, as well as factors and difficulties that affect its implementation.
2. The report explains the current status of the rights enshrined in the Covenant in the light of the long-standing Israeli colonialist occupation, the grievous crimes and violations associated therewith, the systematic and widespread practices and policies, as well as the attempts by the occupying power to enact a far-reaching body of laws, military orders and illegal racist policies that seek to consolidate the Israeli colonialist regime. This is the main obstacle preventing the Palestinian people from enjoying their fundamental and inalienable rights, chief among which is the right to self-determination.
3. The present report was prepared by a standing committee made up of the competent government bodies, in cooperation with relevant civil society institutions. In drafting the report, the State of Palestine drew from the provisions of the Covenant itself as well as from guidelines and general comments issued by the Human Rights Committee. In a spirit of partnership and national dialogue, the first draft of the report was sent to civil society institutions which then participated in comprehensive consultations at the national level in the State of Palestine including the West Bank, Jerusalem and the Gaza Strip. The constructive comments made served to enhance the report. In addition to this, the preparation of the report coincided with the development of the fourth national development plan, which is consistent with the obligations of the State of Palestine under the United Nations Agenda for Sustainable Development, of which civil and political rights are a part.
4. The State of Palestine wishes to make it plain that nothing in the present report exempts Israel, the occupying power, from its legal responsibilities under international law, particularly international humanitarian law, international human rights law and the advisory opinion given by the International Court of Justice in 2004 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory. This includes a requirement upon Israel, as the occupying power, to respect the Covenant and to apply it to Palestinians. Moreover, the report in no way affects the right of the Palestinian people to exercise their immovable and inalienable historical rights, particularly the right to self-determination, return and independence.

Article 1

5. For more than 10,000 years the Palestinian people have uninterruptedly been born, grown and lived in the land of their ancestors, Palestine. During that time, they have preserved their national identity and their immovable right to self-determination along with other inalienable rights. Despite the historical injustice they have suffered, the unlawful and long-standing Israeli occupation and the denial of their right to self-determination and independence, the Palestinian people remain wedded to all their rights as recognized under international treaties and conventions as well as under resolutions concerning people's right to self-determination – and in particular the Palestinian people's right to self-determination – of the United Nations, international institutions, the Human Rights Council and the General Assembly as well as under resolutions 181 (1947) and 194 (1948) and under Security Council resolutions 242 (1967), 338 (1973) up to and including 2334 (2016).
6. The Palestine Liberation Organization (PLO) was established as an inclusive political framework and the sole legitimate representative of the Palestinian people, recognized at the level of the United Nations and internationally. It has guided the Palestinian people on their journey towards the realization of their inalienable rights, notably the right to self-determination, the right of return and the independence of the State of Palestine with

Jerusalem as its capital, on the basis of the natural, historical and legal right of the Palestinian Arab people to their homeland, Palestine.

7. The Palestinian National Council (PNC) adopted the National Charter and the PLO Statutes as the two supreme constitutional documents underpinning the Palestinian people's exercise of their right to self-determination. The Charter regulates the operations of the National Council as a representative institution for the Palestinian people and the highest legislative authority, and it envisages an executive body in the form of the Executive Committee.

8. The State of Palestine recognizes the right to self-determination for all, as proclaimed in the Declaration of Independence, which is an expression of the national will of Palestinians as represented by the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people.

9. The Declaration of Independence, which is a constitutional and foundational document, emphasizes the commitment of the State of Palestine to the principles and objectives of the United Nations and to the Universal Declaration of Human Rights. It further stipulates: "State of Palestine is the State of Palestinians wherever they may be. Therein they shall develop their national and cultural identity, enjoy full equality of rights, and have their religious and political beliefs and human dignity safeguarded under a democratic parliamentary system based on freedom of opinion; freedom to form parties; respect of the majority for minority rights; respect of minorities for majority decisions; social justice and equality; and non-discrimination in public rights on grounds of race, religion or colour, or between men and women, under a constitution that ensures the rule of law and an independent judiciary, in full consistency with the age-old spiritual and cultural heritage of Palestine embodying tolerance and religious coexistence."

10. The Palestinian Government promulgated the Palestinian Basic Law in 2001 (amended in 2003) to create a transitional document guaranteeing the fundamental rights and principles that enable the Palestinian people to exercise their right to self-determination and that enable the political process to achieve that end, until the adoption of an official constitution for the State of Palestine.

The Palestinian Basic Law, as amended in 2003, contains a body of articles intended to fulfil the Palestinian people's right to self-determination. These include:

- Article 2, which states that the people are the source of authority;
- Article 5, which stipulates that the system of governance in the State of Palestine is to be democratic;
- Article 26, which affirms the right of Palestinians to participate in the political process.

11. The Basic Law includes a raft of provisions relating to political participation and the democratic system of governance, such as the election of the Head of State (art. 34); the election of members of the Legislative Council and the definition of its role (art. 47); and the composition of the Legislative Council (art. 48). These measures are intended to fulfil the right to self-determination and the principle according to which the people are the source of authority. The Basic Law goes on to define certain components of the Palestinian political process; for example, in article 63 which defines the Council of Ministers as the basic executive organ of government.

Laws have been passed to regulate the mechanisms and means whereby the elective political process is conducted:

- Local Council Election Act No. 10 of 2005;
- Decree-Law No. 1 of 2007, which regulates general (presidential and legislative) elections.

The domestic laws of the State of Palestine address the importance of involving women in the political process and set quotas for them.

12. The first legislative and presidential elections were held in 1996. In 2005, voters were again called to the urns to elect a President, and a new Legislative Council was elected in 2006. The division of Palestinians and the refusal of Israel, the occupying power, to allow the electoral process in occupied Jerusalem has prevented further legislative and presidential elections from being held.

Exercising the right to self-determination under occupation

13. Israel, the occupying power, constitutes the fundamental obstacle in this connection and it works to prevent the Palestinian people from exercising their rights. In this it receives support and encouragement from parties intent upon undermining the international multilateral system, a system founded on laws and rights, and upon preventing the establishment of a democratic and equitable international order in which peoples, including the Palestinian people, can fulfil their inalienable rights. Chief among those rights is the right to self-determination, independence and return for Palestine refugees on the basis of General Assembly resolution 194, as well as the right to economic, social and cultural development.

14. The Government of the Israeli occupation continues to set up a colonialist system based on racist laws that deprive the Palestinian people of the right to self-determination and steal large portions of land for the construction of the wall and of illegal settlements. Furthermore, the occupying forces deliberately carry out arbitrary arrests and prosecute Palestinians in sham courts that lack minimum fair trial guarantees. The International Court of Justice, for its part, has also stated that the wall of expansion and annexation, and the system underpinning it, constitute a serious violation of the right to self-determination of the Palestinian people.

15. The Israeli system of expansion and colonialism over occupied Palestinian land is the principal cause hindering the Palestinian people's exercise of natural and legal sovereignty over their own territory and resources. The occupying authorities disrupt the development of the Palestinian people and make constant structural changes to prevent Palestinians from enjoying their rights and their resources.

16. Israel, the occupying power, has been imposing a military and economic blockade on the Gaza Strip since 2007 and has been responsible for repeated military incursions and the destruction those incursions have wreaked. Moreover, the occupying authorities prohibit the entry of basic supplies, including foodstuffs, into the Gaza Strip and their repeated acts of aggression have not only killed and injured thousands of Palestinians but have damaged the environment and provoked a humanitarian crisis. The amount of groundwater suitable for human consumption has dropped to just 5 per cent of available groundwater supplies leading to concerns among United Nations agencies and others that the Gaza Strip will not be viable for life by 2020.

17. The occupying authorities continue to prevent millions of Palestine refugees from fulfilling their right and their desire to return to the homeland from which they were displaced, in accordance with General Assembly resolution 194 (1948).

18. Since its illegal annexation of Jerusalem, Israel, the occupying power, has been taking steps which it describes as "legal" or "administrative" but which are in fact racist measures that aim to change the legal condition and status of the occupied city. In this connection, it carries out acts of ethnic cleansing, seizes lands and property, forcibly evicts Palestinians, destroys their homes, breaks up their families and restricts residency. The purpose of this is to empty Jerusalem of its original Palestinian inhabitants and alter the demographic makeup of the city.

19. The unlawful policies and practices of Israel have impeded the Palestinian people's right to an independent and geographically contiguous State of Palestine, with Jerusalem as its capital, a State where life is viable and which is able to develop economically, socially and culturally. They have likewise impeded the ability of the Palestinian Government to adopt and implement national policies in various areas of life. Nonetheless, attempts at national reconciliation have continued with a view to ending the division among Palestinians, and efforts are ongoing to put an end to the occupation and to ensure that the Palestinian people can exercise their right to self-determination and their natural and legal sovereignty over their own land.

Sustainable development and the right to self-determination

20. Despite the colonialist occupation policies that seek to undermine the developmental efforts of the State of Palestine, sustainable development nonetheless lies at the core of the vision of self-determination held by the leaders and government of the Palestinian people. This includes the right to dispose of natural resources as sovereign rights holders and the economic, social and cultural empowerment of citizens. This position of the State of Palestine has been expressed through its commitment to the 2030 Agenda for Sustainable Development; its adherence to the Rio Declaration and the principles enshrined therein concerning the rights to self-determination and development of peoples under foreign occupation; and its unreserved accession to human rights treaties. In fact, the Government of the State of Palestine believes that sovereignty over natural resources, enjoyment of the benefits of sustainable development and not being left behind are among the most important aspects of the exercise of the right to self-determination.

Article 2

Institutional measures

21. The State of Palestine cherishes a firm belief in the need to build a society where the principles of international law and of human rights can take root, just as it believes in protecting those rights against any violation or abuse. Palestine has taken a number of legislative measures and has rolled out measures and policies to help promote, develop and uphold human rights. In 2014, having acquired the status of non-member observer State of the United Nations, Palestine acceded to seven of the core human rights treaties.

22. In May 2014, the President of the State of Palestine issued a decree for the formation of a ministerial-level standing national committee to follow up on the obligations incurred by the State following its accession to international institutions, charters, covenants and protocols. The committee is chaired by the Ministry of Foreign Affairs and Migrants with members drawn from other ministries and competent institutions, and with the Independent Commission for Human Rights acting as observer. The ministerial-level committee established a subcommittee of technical experts as well as a subcommittee to harmonize domestic legislation with international treaties and to consolidate the status of the latter in the domestic legal panorama. These various committees are currently being formed and trained in order to ensure that human rights have a firm footing in all national institutions.

23. A department for international treaties has been set up inside the Ministry of Foreign Affairs and Migrants to strengthen human rights and implement measures aimed at fulfilling obligations arising from the accession of the State of Palestine to international treaties. Palestine has submitted initial reports under the human rights treaties to which it has acceded and has received a body of recommendations, which is acting to implement in line with its own national mechanisms.

24. The State of Palestine has incorporated the obligations arising from its accession to international treaties into its “Citizen First” national policy agenda for the years 2017–2022 and into its sectoral and intersectoral strategies, all of which together constitute the fourth national development plan and are consistent with the United Nations 2030 Sustainable Development Goals.

25. The State of Palestine has announced its commitment to the United Nations Agenda for Sustainable Development and, via a high-level committee on sustainable development, submitted its voluntary national review on the implementation of the Agenda to the high-level political forum on sustainable development. The review was discussed before the General Assembly of the United Nations in 2018.

Legislative measures

Incorporation of the Convention in the domestic legal order

26. The Declaration of Independence, the highest constitutional reference of the State of Palestine, sets forth the legal grounds for adherence to the Universal Declaration of Human

Rights, the International Bill of Human Rights and the principles of the United Nations. In addition to this, chapter II (entitled Public rights and freedoms) of the amended Basic Law also reaffirms the provisions enshrined in the Covenant. These include the right to personal freedom and security (arts. 11 and 12); the prohibition of coercion and torture (art. 13); the right to a fair trial (art. 14); the prohibition of medical experiments without legal consent (art. 16); the inviolability of private dwellings (art. 17); freedom of belief, worship and religious rites (art. 18); freedom of opinion and expression (art. 19); freedom of residence and movement (art. 20); the right to participate in political life, to form parties, trade unions and associations, to participate in elections and to hold meetings (art. 26); the right to establish newspapers and media outlets (art. 27); the prohibition of expulsion from, or denial of return to, the homeland and the prohibition of travel bans and of the deprivation of citizenship (art. 28); the obligation to care for children and mothers (art. 29); the right of recourse to law and of compensation for judicial errors (art. 30); and the right to compensation for harm resulting from violations of individual freedoms (art. 32). The Government of Palestine has introduced a number of legislative reforms since 1994 and has worked to enact a broad body of legislation and laws.

27. In the light of the different legislation and laws that have been imposed on the State of Palestine during various historical periods and for the purpose of laying the groundwork for a unified legal system and helping the State fulfil its obligations, the Supreme Constitutional Court issued its ruling No. 5/2017 interpreting article 10 of the amended Basic Law. That article reads: “Human rights and freedoms shall be protected and respected, and the State of Palestine shall work without delay to accede to regional and international declarations and treaties that protect human rights.” The Court decreed that international treaties to which the State of Palestine has acceded are to take precedence over domestic law but to have a status inferior to that of the Declaration of Independence and the amended Basic Law. This is conditional upon the treaties in question having acquired force of law with the completion of the formal stages required for the issuance of a domestic law for their implementation. Thus, the domestic legal order rests on the duality of international and domestic law.

Legislative harmonization committee

28. On 7 March 2017 – acting on a decision of the national committee to follow up on the obligations incurred by the State following its accession to international institutions, charters, covenants and protocols – the Council of Ministers issued a decree for the formation of a legislative harmonization committee, to be headed by the Ministry of Justice. The task of the committee is to review existing laws and bills, and to decide on priorities vis-à-vis the updating or amendment of legislation to bring it into line with the international treaties to which the State of Palestine has acceded. The committee works in partnership with civil society institutions and the Independent Commission for Human Rights so as to ensure that the State of Palestine has a unified legal system that is consistent with international law.

Judicial remedies

29. The Declaration of Independence provides for equality and non-discrimination, under a constitution that guarantees rule of law and an independent judiciary. In the same vein, article 9 of the amended Basic Law states: “Palestinians shall be equal before the law and the courts, without distinction on the basis of race, sex, colour, religion, political views or disability.”

30. The Palestinian judiciary is regulated by a set of preemptory norms and by the general principles of rule of law, equality, non-discrimination and judicial independence. The right of recourse to law is protected and guaranteed for all persons, and all Palestinians have the right to resort to their “natural judge”, with legal procedures being regulated by law in such a way as to ensure the prompt settlement of cases. Court proceedings envisage two stages of judgment governed by the principles of good governance and of compensation for judicial errors. There is a dual court system:

- The regular courts, which deal with civil, criminal and administrative cases. These include the Supreme Court of Justice, which has the power to consider and adjudicate disputes relating to administrative decisions; therefore, it is competent to decree legal

protection for individuals who face any kind of discrimination from any government administrative body and to order the removal of that discrimination.

- The Supreme Constitutional Court which, under article 103 (1) of the amended Basic Law, has the power “to consider the constitutionality of laws and regulations etc., to interpret the provisions of the amended Basic Law and of domestic legislation and to adjudicate jurisdictional conflicts between judicial bodies and administrative bodies that have judicial jurisdiction”.

Office of the Public Prosecution

31. The Office of the Public Prosecution is a division of the judiciary, its mandate set forth in the Code of Criminal Procedure (Act No. 3 of 2001). It alone is competent to launch and pursue criminal proceedings, and no other body may bring a criminal case. It is also the principal body responsible for conducting investigations and bringing charges. In addition, it has responsibility for enforcing sentences handed down in criminal cases and for bringing and pursuing disciplinary proceedings against judges and prosecutors. A number of specialized prosecution offices have been established in the Office of the Public Prosecution and a human rights unit has existed there since 2016. Under the law, the unit is responsible for following up on complaints received from the public and it works to ensure that human rights standards are incorporated into the Office’s work.

Administrative remedies

32. Under Complaints Management System No. 8 of 2016, the general department for complaints within the Council of Ministers monitors the operation of complaints units in ministries, government bodies, governorate offices and security agencies, all of which receive complaints concerning the performance of the Government and its institutions from individual members of the public as well as from civil society groups. The general department for complaints and the complaints units undertake to provide a written reply to petitioners within a maximum of 30 days from the date a complaint was filed. The online complaints system for government institutions was consolidated in 2016. Other bodies also receive complaints, such as the legal affairs section of the Office of the President, the grievances and human rights office of the police and an online complaints department that receives complaints concerning the operation of the courts.

33. The Independent Commission for Human Rights (Bureau of Grievances), which was established under article 31 of the amended Basic Law, plays an important oversight role. Its mandate extends to cases involving human rights violations and complaints made by citizens; at the same time, it works to raise awareness about legal matters and it monitors national legislation and policies and the extent to which they are consistent with international human rights standards.

34. In addition to this, civil society institutions constitute important national mechanisms for the protection and promotion of human rights. Their mandates range from defending human rights, to advocating for the demands of specific groups such as women, children or persons with disabilities, to encouraging involvement in public life and elections.

Compensation

35. The right to compensation is enshrined in domestic legislation, first and foremost in the Basic Law, as amended, article 32 of which stipulates: “Any violation of any personal freedom, of the sanctity of the private life of human beings, or of any of the rights or liberties guaranteed under the Basic Law or any other law shall be considered a crime. Criminal and civil cases resulting from such violations shall not be subject to any statute of limitations. The National Authority shall guarantee just compensation to those who suffer harm in that connection.” The issue of compensation is also addressed in the Civil Torts Act of 1944 while compensation for civil claimants is covered in the Code of Criminal Procedure.

36. Under article 106 of the amended Basic Law, court judgments are binding. Failing to enforce them or obstructing their enforcement in any way constitutes a crime punishable by imprisonment and – if the accused is a public official or anyone charged with public service

– dismissal. The prevailing party has the right to appeal directly to the competent court, and the Government is responsible for guaranteeing compensation.

37. The Code of Civil and Commercial Procedure (Act No. 2 of 2001) admits action against judges or prosecutors in the event that they conduct their work fraudulently or deceitfully, or commit a gross professional error that cannot be rectified, as well as in other cases where the law dictates that judges are responsible and liable for compensation.

Awareness-raising

Training

38. The Ministry of Foreign Affairs and Migrants and the Office of the United Nations High Commissioner for Human Rights (OHCHR), in coordination with relevant United Nations agencies and organizations, have developed and rolled out a training plan for national teams involved in the drafting of reports under the human rights treaties.

39. With a view to building the capacities of persons working in judicial service, several training courses on human rights were run between 2014 and 2020 for judges in regular and sharia courts, members of the Office of the Public Prosecution and law enforcement officials.

40. Thanks to coordination between the Ministry of Justice and the Ministry of Foreign Affairs and Migrants, a number of training courses on harmonization mechanisms have been held for members of the legislative harmonization committee.

Human Rights Day

41. Since acceding to international human rights treaties, the State of Palestine has been organizing annual activities as part of its commemorations of Human Rights Day. These activities – which take place through a partnership between the Ministry of Foreign Affairs and Migrants, the Ministry of Education and Higher Education, the Ministry of Justice, the Independent Commission for Human Rights, OHCHR and other partners – include the following:

- Supplying schools with posters bearing the Universal Declaration of Human Rights;
- Arranging for programmes to be broadcast on Palestinian television;
- Printing hundreds of leaflets with the Universal Declaration of Human Rights and the seven core human rights treaties to which the State of Palestine acceded in 2014; these have been distributed to ministries, government institutions and the governorates;
- Sending text messages containing rights-related information, in collaboration with Palestinian providers of mobile communication services and for a specified time period;
- Broadcasting films and conducting interviews regarding the human rights situation in Palestine.

Educational curricula

42. As per article 35 (1) of Decree-Law No. 8 of 2017 regarding public education, educational curricula for all stages of schooling are developed with a focus on the norms enshrined in national legislation and international human rights treaties. The State of Palestine has undertaken to introduce human rights principles into its school curricula, and the Ministry of Education has rolled out several programmes and projects aimed at raising awareness about human rights. They include:

- A citizenship programme encompassing activities and events on international human rights instruments;
- A programme to teach students about the concepts of human rights, international humanitarian law and related international instruments; this includes student meetings to discuss human rights violations in Palestine.

Publication of reports

43. The State of Palestine has sought to promote dialogue between the Government and civil society through national consultations to discuss the drafts of the initial reports prepared by official institutions for the human rights treaty bodies. The drafts are discussed and assessed with civil society and its views are then taken into account when drafting the final version of the reports. Moreover, the authorities form partnerships with civil society groups when drawing up plans to implement the recommendations made by the human rights treaty bodies.

44. Since Israel, the occupying power, bars civil society institutions in the Gaza Strip from accessing the West Bank just as it bars access to the Gaza Strip, two separate national consultative meetings were held on the present report: one in December 2017 at the Ministry of Foreign Affairs and Migrants with civil society institutions in the West Bank including those that operate in occupied Jerusalem; and another in March 2018 by videoconference at the Independent Commission for Human Rights with civil society institutions in the Gaza Strip. The consultations were attended by representatives from ministries of the State of Palestine and from civil society and human rights institutions working in the Occupied Palestinian Territory.

45. The final versions of the initial reports of the State of Palestine to the monitoring bodies established under the international human rights treaties have also been published on the website of the Ministry of Foreign Affairs and Migrants, as well as on the official website of all ministries concerned. Palestine undertakes to discuss its reports under the human rights treaties with the relevant treaty bodies and to follow up on the implementation of the concluding observations and recommendations those bodies make.

Equality and non-discrimination

46. The Declaration of Independence, which is the highest-ranking constitutional document of the State of Palestine, guarantees the fulfilment of rights and freedoms and decrees full and universal equality without discrimination. The Declaration also emphasizes the commitment of the State to the principles and objectives of the United Nations and to the Universal Declaration of Human Rights. Equality and non-discrimination are also enshrined in article 9 of the amended Basic Law, which states: "Palestinians shall be equal before the law and the courts, without distinction on the basis of race, sex, colour, religion, political views or disability." As may be seen, the prohibition of discrimination is a general principle of supreme legal standing, which means that any legislation that does not take account thereof may be overturned on grounds of unconstitutionality by the Supreme Constitutional Court. Thus constitutional laws trace a legal pathway towards equality and non-discrimination.

47. Existing laws contain explicit provisions prohibiting discrimination and enjoining equality; for example, in legislation governing elections and the recognition of all citizens' right to vote and to stand for election. In addition to this, the Civil Service Act No. 4 of 1998 and the Labour Code (Act No. 7 of 2000) both prohibit discrimination in working conditions between men and women. The Palestinian Children's Act No. 7 of 2004 includes provisions to protect children against discrimination, while the Disability Rights Act No. 4 of 1999 guarantees the rights of persons with disabilities and protects them against all forms of discrimination.

48. Article 14 of the draft constitution of the State of Palestine of 2015 states: "All Palestinians are equal before the law, enjoy the same rights and have the duties prescribed by law, without distinction as to origin, race, sex, religion, social status, opinion or disability."

49. The draft criminal code also envisages the criminalization of discriminatory acts, which it punishes by imprisonment and a fine. The text defines discrimination as: "Any differentiation among natural persons on the basis of national or social origin, colour, sex, family status, health status, disability, political opinion, trade union affiliation, or actual or presumed affiliation or non-affiliation with a race, nation, lineage or specific religion."

50. A draft law on the protection of the family from violence includes a definition of discrimination against women that is consistent with the definition enshrined in the

Convention on the Elimination of All Forms of Discrimination against Women. The bill considers such discrimination to be a criminal offence and envisages appropriate penalties.

51. The political will and the commitment of the State of Palestine to prohibit all forms of discrimination, and to take all necessary measures in that connection, is well expressed in its accession to the Convention on the Elimination of All Forms of Discrimination against Women, to the International Convention on the Elimination of All Forms of Racial Discrimination, to the International Covenant on Civil and Political Rights, to the International Covenant on Economic, Social and Cultural Rights and to other international human rights treaties.

Challenges

52. Israel, the occupying power, geographically fragments the Occupied Palestinian Territory and attempts to destroy the Palestinian social fabric while subjecting Palestinians to a body of racist laws. Palestinians living in occupied Jerusalem are subject to the Permanent Residency Act while Palestinian civilians in the West Bank and Gaza Strip are subject to military law. At the same time, Israeli civil law is applied to Israeli colonists. Moreover, Israel continues to impose its policy of denying Palestinians – whether refugees or displaced persons living outside the Occupied Palestinian Territory – the right of return.

53. The report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, presented to the General Assembly in 2012, stated that: “Israel has created a regime of separation and discrimination, with two separate systems of law in Palestinian territory: one system applies to the settlers, and treats the settlements as de facto extensions of Israel and grants settlers the rights of citizens with the protections of a quasi-democratic State. In contrast, the Palestinians are subject to a system of military administration that deprives them of legal protection and the right to participate in shaping policies regarding the land in which they live. These separate systems reinforce a regime in which rights depend on national identity and citizenship. A dual system of roads, one for settlers and one for Palestinians, further entrenches the discriminatory separation between the two communities.”

54. For its part, the Committee on the Elimination of Racial Discrimination has established that it has a mandate to consider complaints lodged by the State of Palestine against Israel, the occupying power, and its racist practices against the Palestinian people.

Foreigners

55. All laws that regulate rights and freedoms apply to citizens and foreigners without distinction, with the same limitations and the same guarantees. The State guarantees the right to take legal action and to have recourse to the courts, in line with the Declaration of Independence and the amended Basic Law, which recognize the principle of equality and the rule of law.

Article 3

56. To complement the legislative and policy measures adopted by the State of Palestine to prevent discrimination, as outlined above, additional legislative and policy measures have been adopted to ensure that women and men enjoy equal rights under the Covenant. They include:

Legislative measures

57. The Declaration of Independence states that women and men are equal in their enjoyment of all fundamental rights and freedoms, while the amended Basic Law envisages a number of general legal guarantees to ensure that women are able to exercise their right to equality, non-discrimination and equality of opportunity.

58. There is a supreme political will in favour of achieving equality between women and men, and this has translated into a body of legislative reforms and bills the purpose of which is to curb forms of behaviour that discriminate against women. One of these is the draft law

on the protection of the family from violence, which contains a definition of discrimination against women that is consistent with the Convention on the Elimination of All Forms of Discrimination against Women. Alongside the legislative harmonization committee, a committee for gender-fair legislation has also been created and a technical committee has been formed to review and update the system of laws governing personal and civil status. All these committees are working to review and draft legislation from a gender perspective and to bring it into line with international standards.

Policy measures

59. The Ministry of Women's Affairs was established in 2003 as a national institution for the advancement of women. Its purpose is to uphold the Government's commitment to formulating and implementing policies, strategies and measures to eliminate discrimination. At its inception, the Ministry adopted the Beijing Platform for Action.

60. Gender units have been reintroduced as part of the structure of governmental bodies, where they work to integrate gender-related issues into various sectors and to monitor government programmes and policies. There are units with special names, depending upon the nature of their activity: the "women's health development" in the Ministry of Health; the "general department for women's work" in the Ministry of Endowments; and the "unit for male and female statistics" in the Central Bureau of Statistics. The gender unit in the Ministry of Information is also working to institutionalize gender issues and to monitor, from a gender perspective, the laws, programming policies and plans that govern the media, broadcasting and production.

61. The Gender Policy Institute was established pursuant to a 2019 decree of the Council of Ministers. Its purpose is to produce studies and research that can be used as a foundation upon which to develop gender-equality policies.

62. In March 2018, the Council of Ministers issued decrees granting women the right to apply for passports and open bank accounts for their children and to take them to school.

63. At the level of national planning, the Palestinian government is working to include gender issues in national and sectoral policies and in general budgets. In that connection, the Government adopted its national development plan: "Building the State and Embodying Sovereignty 2014–2016", the priorities of which included greater protection for women, increased participation in the labour market and easier access to basic services. The Government also adopted its national policy agenda 2017–2022: "Citizen First" and its intersectoral plan for gender equality and justice 2017–2022.

64. A higher national committee was set up in 2012 for the implementation of Security Council resolution 1325 (2000) on women, peace and security. The committee aims to improve protection for women in the face of Israeli occupation and its members include governmental and non-governmental institutions, who represent the national coalition for the implementation of resolution 1325.

65. In 2010, most political parties signed a pledge to promote the involvement of Palestinian women in the political decision-making process, at a minimum level of 30 per cent. Among recent decisions taken by the Palestinian Central Council was one to roll out mechanisms for the implementation of that pledge and to bring domestic laws into line with the Convention on the Elimination of All Forms of Discrimination against Women.

66. Ever since 1996, gender has been incorporated into the surveys conducted by the Palestinian Central Bureau of Statistics, which now yield detailed gender-based data. The Bureau also has a national plan for monitoring sustainable development indicators 2030 and has conducted a survey on violence in Palestinian society between 2011 and 2019.

67. Civil society institutions that focus on women's activities also play an effective role as they seek to support and empower women in all fields. They work to promote community awareness about the rights and status of women and they play an important role in eradicating customs and practices that discriminate against women.

68. One expression of effective political will in this connection was the 2014 accession – with no reservations – of the State of Palestine to the Convention on the Elimination of All

Forms of Discrimination against Women. This represents a step forward in the national efforts to protect the rights of Palestinian women and to remove discriminatory provisions from existing legislation and policies. The State of Palestine submitted its initial report under the Convention in March 2017 and is currently in the process of implementing the concluding observations of the relevant treaty body.

69. The State of Palestine acceded to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in 2018, and to the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, the Convention on the Nationality of Married Women and the Convention on the Political Rights of Women in 2014. Moreover, as part of regional efforts towards the advancement of women, the State of Palestine joined the Arab Women Organization in 2003 and it ratified the statutes of the Women's Development Organization of the Organization of Islamic Cooperation, in 2013.

Public and private sector work

70. In the State of Palestine, labour is regulated by the Basic Law, as amended, and by the Civil Service Act No. 4 of 1998, as amended – as regards work in the public sector – and by the Labour Code of 2000 – as regards work in the private sector. These laws envisage equality between women and men as concerns the right to work, employment opportunities and wages. Quality of work is assessed using the same standards as those applied to the assessment of professional performance and promotion. These laws also respect women's right to have children and their right to paid maternity leave without any loss of seniority, benefits or promotion. As part of its plan of action, the legislative harmonization committee is reviewing amendments to the Public Pensions Act and the Civil Service Act, and is taking steps to ensure equal pay and pension rights. It is also reviewing the Labour Code to penalize discrimination and harassment in the workplace.

71. Although the involvement of women in the workforce has increased over recent years, it remains very low compared to that of men. In 2018, 21 per cent of all women of working age were participating in the workforce, as compared to 10 per cent in 2000. The comparable statistic for men in 2018 was 72 per cent. Moreover, there is a clear gap between the sexes in average daily wage, which for women is 92 shekels and for men 129 shekels, according to data collected by the Palestinian Central Bureau of Statistics. With a view to closing that gap, the harmonization committee is reviewing the Labour Code (Act No. 7 of 2000) to bring it into line with international standards and with recommendations of the Committee on the Elimination of Discrimination against Women regarding equal pay for men and women for work of equal value. For its part, the Ministry of Labour is increasing its oversight and sanctions to ensure that the law is duly applied.

Level of participation of women in political and public life

72. Statistics show that the number of women in positions of responsibility, in both the public and private sectors, as well as in parliament and in senior positions is low. Around 5 per cent of members of the Central Council and 11 per cent of the PLO National Council are women while the Executive Committee, which is the highest executive body in the Organization, has one woman.

73. The proportion of women on the Legislative Council increased after the 2006 elections, rising to 12.9 per cent, as compared to 5.6 per cent following the 1996 elections. Under Decree-Law No. 1 of 2007 regarding general elections, a "female quota" system was introduced as an interim special measure.

74. In the same way, Local Councils Act No. 10 of 2005 also envisages a "female quota" system. Nonetheless, the proportion of women in local elections, at the level both of candidacy and of electoral outcomes, remains very low, as the table below shows:

<i>Election</i>	<i>Proportion of female candidates</i>	<i>Proportion of successful female candidates</i>
2004–2005	19.2%	13.7%
2012	24.8%	21%
2017	26%	21%

75. As concerns student councils, despite an increase in the proportion of women in the student body of universities and colleges, prevailing societal norms still stand as a major obstacle to their participation. In fact, the proportional distribution of student council membership in Palestinian universities and institutes in the West Bank stood at 23.2 per cent female and 76.8 per cent male in 2015 and at 87.6 per cent male compared to 12.4 per cent female in 2016. There are no student councils at universities in Gaza with the exception of the Islamic University, which has two councils, one for males and one for females, each with 11 members.

76. Three women held ministerial posts during the eighteenth administration. Women also hold senior positions, such as head of the Palestinian Central Bureau of Statistics and head of the Bureau for Legal Advice and Legislation, while the governors of Ramallah and of Birah are women.

77. The number of female judges is increasing gradually, with four female sharia judges and two female officials authorized to conclude marriage contracts. The table below shows the number of judges in the State of Palestine in 2018:

Type of Court	West Bank		Gaza Strip		Palestine	
	Male	Female	Male	Female	Male	Female
Chief Qadi/Head of Supreme Court	1	0	0	0	1	0
Supreme Court	25	3	5	1	30	4
Court of Appeal	23	5	10	0	33	5
Court of first instance	64	9	8	1	72	10
Anti-corruption court	2	1	0	0	2	1
Magistrates' court	57	23	11	2	68	25
Total	172	41	34	4	206	45

78. There has been a tangible increase in the proportion of women holding positions in the Office of the Public Prosecution where, in 2018, 21 per cent of the members of the Office were women. Details are given in the table below:

	2016		2017		2018	
	Male	Female	Male	Female	Male	Female
Chief prosecutor	34	6	40	5	38	5
Deputy prosecutor	56	13	82	27	85	28
Assistant prosecutor	30	14	4	1	0	0

79. In 2019, 54 per cent of the staff of the Ministry of Foreign Affairs and Migrants were women. In addition, there were 12 women of ambassadorial rank, some holding influential international decision-making positions.

80. According to data from the Palestinian Central Bureau of Statistics, women accounted for 43 per cent of public sector workers in the State of Palestine in 2019, although the proportion of women decreases further up the ladder of the public administration, particularly as regards senior positions. In fact, women working in the civil service hold only around 12 per cent of posts at general-manager level and above. There has been no significant change in that figure, which stood at 11.7 per cent in 2015.

81. In 2017, women accounted for 33.3 per cent of editors-in-chief.

Combating domestic violence

82. As a complement to the process of legislative reform, ongoing efforts are being made to enact the decree-law to protect the family from violence, and to introduce legally binding and socially flexible provisions within a framework of norms to protect privacy and

confidentiality, which are necessary to obviate the risk of family disintegration. The draft decree-law will help to facilitate legal action, as all relevant cases are exempt from legal fees and are treated as urgent at every stage of proceedings. The bill defines all forms of violence and discrimination, and designates penalties for each, and it includes provision for protection orders for victims, children under guardianship, witnesses and anyone who provides assistance to a victim. In addition to this, the draft decree-law regulates the possibility of mediation in cases of minor offences or infractions. This possibility – which is admitted just once, with the approval of the parties and under the supervision of the Office of the Public Prosecution – does not impede a civil action from being brought before the competent court and, in the event of non-compliance with the mediation conditions, criminal proceedings are launched. The bill has been reviewed by the legislative harmonization committee and steps are currently being taken to enact it.

National mechanisms

83. With a view to institutionalizing the action taken to combat violence against women, a national anti-violence committee was established under a 2008 decree of the Council of Ministers. The committee drafted a strategy to combat violence against women 2011–2019 and, on the basis of an evaluation of that strategy, produced another for the period 2020–2030, consistent with the Sustainable Development Goals and the Convention on the Elimination of All Forms of Discrimination against Women. Moreover, in 2014, the committee adopted a “risk situation review system” for female victims of violence.

84. A national observatory on violence against women was established under a decree of the Council of Ministers in 2017. Its purpose is to provide a digitalized database of cases of violence to help in policymaking, in enforcing or amending legislation and in decision-making.

85. The Ministry of Social Development takes in female victims of violence and provides them with social, legal and psychological counselling services free of charge. In case of need, it refers them to centres that provide protection and shelter, either run by the Ministry or under ministerial supervision. These centres, in turn, provide the women with overnight accommodation, shelter, protection and rehabilitation.

86. The operation of the centres is regulated by the Protection Centre Regulations No. 9 of 2011 and by the National Referral Regulations of 2013. Moreover, a national referral team has been formed and a detailed procedural manual has been drafted. There are four protection centres providing such services in the West Bank – the Mehwar Centre, the Girls’ Welfare Home, the Safe House and the Women’s Emergency Protection Home – and two in the Gaza Strip – the Safe House and the Hayat Centre. Of the latter, only one provides shelter, which means it is not possible to handle every case in which a woman might request protection.

87. The Ministry of Social Development incorporates female victims of violence into its relief and development programmes as urgent special cases, and it organizes joint programmes with non-governmental organizations (NGOs). In 2017, the Ministry dealt with 336 cases involving female victims of gender-based violence.

88. In 2008, family protection units were established within the police to address cases of domestic violence and sex crimes. In the Gaza Strip, in the absence of any specialized family protection units, the police receive complaints from female victims of violence and help to resolve disputes with, as appropriate, the assistance of reconciliation committees.

89. In 2016, a special prosecutor’s office was established to protect families from violence and to strengthen the role of the Office of the Public Prosecution in protecting female victims of violence. Furthermore, a gender unit has been set up in the Office of the Public Prosecution and a unified operations manual has been drafted for prosecutors to use when dealing with female victims of violence.

90. Family guidance and reconciliation units have been created in the sharia courts. An infrastructure has been set up in the courts of first instance with mediation and legal counselling services being provided before having recourse to the courts. In 2016, these units dealt with a total of 4,476 cases in the West Bank.

91. Since the beginning of 2017, female victims of violence have been exempted from all fees for medical reports issued by State-run hospitals, and the Ministry of Health has adopted a number of measures to speed up the handling and follow-up of issues related to women's health and safety. The procedural manual has been updated and registers created in which to record cases of gender-based violence.

92. Surveys on violence in Palestinian society, conducted in 2011 and 2019, showed that the prevalence of spousal violence suffered by women who are or have been married stood at 37 per cent in 2011, a figure that had dropped to 27 per cent in 2019. In 2019, moreover, 61 per cent of women preferred to remain silent about violence they might have suffered at the hands of their husbands, as compared to 65.3 per cent in 2011. Only 0.7 per cent of women sought assistance from a psychological, social or legal aid centre in 2011, a figure that had risen to 1.4 per cent by 2019.

93. Palestinian women are subjected to dual violence under the Israeli occupation, which not only threatens their human security but also contributes to further depriving them of their fundamental rights, including the right to self-determination and the right of return. Thus women are one of the groups most heavily impacted and affected by the policies and crimes of the Israeli occupation and the practices in which it engages that restrict livelihoods and deny access to public services such as education, employment and health care, as a result of which many women are constrained to give birth at border points with no access to reproductive health services. Added to this is the forced displacement of Palestinian Bedouins, the imposition of discriminatory policies and legislation in occupied Jerusalem, policies of deportation and the deportation of spouses and children, denial of family reunification and the dispersal of Palestinian families in various ways. The 2011 statistical survey shows that about half of Palestinian families have been directly subjected to violence by Israeli occupying forces and colonists.

94. The issue of marriageable age, divorce and custody is addressed in the reply to article 23.

Enrolment of girls in school

95. Article 24 (1) of the amended Basic Law states: "Education is the right of all citizens and is compulsory until, at least, completion of the basic level. Education is to be free of charge in State-run schools and institutes." In addition, the Decree-Law of 2017 regarding public education recognizes the equality of males and females to enrol in school under the same conditions and to study the same curricula.

96. There is a political will to develop new school curricula that take account of concepts of gender, that adopt standards of non-differentiation between the sexes, that affirm the importance and effectiveness of women's role in society and their involvement in political and public life and in decision-making posts and that introduce changes in line with concepts of gender.

97. The number of females and males in the education system – according to statistics from the Ministry of Education and Higher Education – is shown in the table below:

<i>Years</i>	<i>Number of students in all governorates and at all levels</i>	<i>Females</i>	<i>Males</i>
2014–2015	1 171 596	590 501	581 095
2016–2017	1 229 756	619 166	610 590
2018–2019	1 288 920	652 463	636 457

98. In the year 2016/17, school dropout rates in the State of Palestine stood at 0.71 at the basic level (0.89 for males and 0.53 for females) and at 2.44 for the secondary level (2.48 for males and 2.41 for females). The Ministry of Education is making efforts to reduce those rates to a minimum by opening new schools and new sections for female students, particularly in marginalized and remote areas. It is doing so despite the systematic destruction and demolition of Palestinian schools by the Israeli occupation authorities.

99. The Ministry of Education also seeks to reduce illiteracy rates by opening literacy centres. Data from the Palestinian Central Bureau of Statistics has shown a decline in illiteracy rates since 1997, which have fallen among Palestinians aged 15 and above from 13.9 per cent in 1997 to 2.8 per cent in 2018. Over the same period, the decline in illiteracy rates among females was from 20.3 per cent to 4.3 per cent.

Nationality

100. The Declaration of Independence defines Palestinian identity in the following terms: “The State of Palestine is the State of Palestinians wherever they may be; where they can develop their national and cultural identity and enjoy full equality of rights.” Article 5 of the Palestinian National Charter states: “Palestinians are the Arab citizens who habitually resided in Palestine until 1947, whether those who were expelled therefrom or who remained therein. Anyone born to a Palestinian Arab father after that date, in or outside Palestine, is Palestinian.”

101. According to the operational definition used by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Palestine refugees are persons who resided in Palestine between June 1946 and May 1948, and who lost their homes and livelihoods as a result of the 1948 war. UNRWA services are available to all refugees who are registered with the Agency and reside in its areas of operation, to whom the aforementioned definition applies and who are in need of assistance. The offspring of those Palestinian refugees are likewise Palestinian refugees.

102. The exercise of the rights associated with Palestinian nationality is closely tied to the ending of the Israeli occupation, which imposes illegal and arbitrary controls over Palestinian civil affairs. Article 7 of the amended Basic Law states: “Palestinian nationality is to be regulated by law”. Yet, while awaiting the issuance of such a law – the Israeli occupation being a major obstacle to its enactment – the issue of nationality in Palestine continues to be regulated by a body of other legislation. This includes the Civil Status Act of 1999, the unified provisions of Palestinian nationality decrees issued at the time of the British Mandate in 1925, the Jordanian Nationality Act of 1925, as amended, and a number of Israeli military orders. For its part, Israel arbitrarily imposes the Permanent Residency Act on the original Palestinians landholders, under which they are considered as residents in occupied Jerusalem.

103. Under Circular No. 42 of 2010, issued by the Palestinian Ministry of the Interior, Palestinian women who are married to non-Palestinians and who hold a Palestinian identity card are entitled to grant their children a Palestinian passport and register them on their own identity card before the children reach the age of 16. The same rules apply to Palestinian men married to non-Palestinians.

Legislation criminalizing rape

104. Criminal legislation makes rape and other sexual acts imposed upon a woman by coercion – such as indecent assault, inappropriate advances, abduction and indecent acts or comments – a criminal offence. It does not, however, impose deterrent penalties commensurate with the severity of the offence. In fact, a person who commits an act of rape faces a minimum term of imprisonment of 5 years, increased to 7 years if the victim is under 15. In cases where the victim is aged between 15 and 18 and the perpetrator is a legitimate or illegitimate ascendent of hers, the penalty is imprisonment for between 3 and 15 years.

105. Decree-Law No. 5 of 2018 was issued in March 2018 to abrogate article 308 of the Criminal Code (Act No. 16 of 1960). Its purpose is to ensure that a person who perpetrates a criminal assault against a woman cannot benefit from a suspension of criminal proceedings and seek impunity by marrying the victim.

Article 4

106. States of emergency are regulated under chapter VII of the amended Basic Law (arts. 110–114). Under those provisions, a state of emergency is to be declared only in cases where national security is threatened due to war, invasion, armed insurrection or natural disaster. The purpose of the state of emergency, the area it covers and its duration must all be clearly

defined. That duration cannot exceed 30 days, which can be extended for a further 30 days, with the approval of the Legislative Council.

107. Restrictions on fundamental rights and freedoms may be imposed only to the degree necessary to achieve the purpose set forth in the declaration of the state of emergency. Moreover, any arrests or detentions during the emergency are to be reviewed by the Prosecutor General or the competent court within a period of not more than 15 days. For its part, the Legislative Council – at its first meeting following the declaration of a state of emergency – has the right to question the executive about any action taken during that time. It should be noted, moreover, that in no case may any inalienable rights be infringed during a state of emergency.

Definition of terrorism in current legislation

108. Article 147 of the Criminal Code (Act No. 16 of 1960) contains the following definition of acts of terrorism: “All acts that aim to create a state of panic and give rise to a generalized public risk, and that are committed using explosive or incendiary devices, inflammable substances or epidemiological or bacterial agents.”

109. Decree-Law No. 20 of 2015 on combating money-laundering and the financing of terrorism, as amended, contains the following definition: “(1) A terrorist or terrorist organization is any individual or group of terrorists who perpetrate any of the following acts: (i) Commit, attempt to commit or participate as an accomplice in any terrorist act using any means, directly or indirectly, organize acts of terrorism, or direct others to commit them; (ii) Contribute to acts of terrorism with a group of persons working to achieve a joint objective where the contribution is deliberate and has the aim of supporting a terrorist act or is made in the knowledge of the group’s intention to commit a terrorist act.”

110. Decree-Law No. 20 of 2015, as amended, includes provision for the creation of a national committee to combat money-laundering and the financing of terrorism as well as a committee for the implementation of Security Council resolutions concerning terrorist financing. The latter committee has responsibility for the prompt implementation of, in particular, Security Council resolutions 1373 (2001) and 1267 (1999) as well as of other associated resolutions and of Security Council resolution 2178 (2014) concerning foreign terrorist fighters. Moreover, a list has been drawn up with the names of individual terrorists and terrorist organizations while asset-freezing lists have been published in the Official Gazette. Via recourse to the competent court it is possible to enter a challenge against inclusion in the list or to appeal a decision of the committee.

Article 5

111. With the Palestinian Declaration of Independence – which is the supreme constitutional document in the domestic legal system – the State of Palestine undertakes to abide by the Universal Declaration of Human Rights and the principles and objectives of the United Nations. For its part, article 10 of the amended Basic Law guarantees respect for fundamental rights and freedoms. Thus, human rights principles are considered as constitutional norms and, if any piece of legislation is at odds therewith, it can be challenged on grounds of unconstitutionality before the Supreme Constitutional Court, the rulings of which are binding upon all authorities of the State. Rights and freedoms, moreover, are protected by the law and all violations are treated as offences in which neither criminal nor civil proceedings are subject to the statute of limitations. Fair compensation for persons who have suffered harm is envisaged under article 32 of the Basic Law. In its ruling No. 5/2017, the Supreme Constitutional Court decreed that international conventions and treaties, including human rights treaties, are to take precedence over domestic law once they have gone through the formal procedures. The Palestinian leadership is pursuing a policy aimed at promoting human rights in the State of Palestine by signing and acceding to human rights treaties and fulfilling the concomitant obligations, thereby further expanding the application of those rights at the national level.

Article 6

112. The right to life lies at the very heart of human rights and therefore enjoys full legal protection. In fact, the Palestinian Declaration of Independence and the amended Basic Law impose respect for human rights, foremost among them the right to life. Any violations of those rights are treated as offences in which neither criminal nor civil proceedings are subject to the statute of limitations.

Violation by the Israeli occupation of Palestinians' right to life

113. Israel, the occupying power, pursues – and has pursued since beginning its colonization more than 72 years ago – a systematic and broad-ranging policy that deliberately targets the right to life of the Palestinian people. This takes the form of collective persecution and punishment imposed by the occupiers against Palestinian civilians, and the implementation of policies and practices that flagrantly violate international human rights law. Indeed, the Israeli occupying forces resort to forms of physical elimination, massacres and alarming patterns of deaths and injuries as well as extrajudicial executions against Palestinian civilians and children. In many cases, the killing of Palestinians is the result of an excessive and unjustified use of force. In addition to this are the crimes and violence systematically perpetrated by Israeli settlers against Palestinian civilians.

114. During the ethnic cleansing of the Nakbah in 1948, the Israeli occupiers destroyed Palestinian villages and towns and committed more than 70 massacres during which they killed more than 15,000 Palestinians. Overall, more than 100,000 Palestinians and Arabs have fallen since the Nakbah, including 10,853 who died at Israeli hands between 29 September 2000 and 7 May 2019.

115. Israel, the occupying power, has used destructive force on a wide scale during its repeated attacks against the Gaza Strip. In 2014, at least 2,127 Palestinian civilians were killed while 11,036 were injured, the majority of the victims being women and children. In fact, 23 per cent of the dead and 32 per cent of the injured were women while children accounted for 27 per cent of the dead and 30 per cent of the injured.

116. During 2015, 175 Palestinians died at the hands of the Israeli occupation forces and Israeli settlers. In 2016, that figure stood at 105; in 2017 at 76 and in 2018 at 299.

117. Israel, the occupying power, continues its systematic policy of using excessive and deadly force against peaceful demonstrators in the Great Return March and to break the blockade in the Gaza Strip. Between the start of the March of return in March 2018 and May 2019, 16,800 persons have been injured; 136 persons have lost limbs and 272 people have been killed, including 54 children, 6 women, 4 paramedics and 3 journalists.

Enforced disappearance

118. Israel, the power responsible for the illegal occupation, arbitrarily detains and forcibly conceals hundreds of Palestinians, some of them in the so-called “cemeteries of numbers”. Moreover, it discloses no information about those cemeteries or about the fate of Palestinians it has, over more than 53 years, detained or executed extrajudicially.

119. The State of Palestine has strengthened its own legal and administrative mechanisms to ensure systematic and effective control to prevent enforced disappearances. The amended Basic Law and the Code of Criminal Procedure identify the agencies invested with powers of arrest and detention; the designated locations and procedures for arrest and detention; the issuance of warrants and summonses; the extension of detention and pretrial custody; procedures for establishing identity; the right of accused persons to communicate with family members and avail themselves of the assistance of a lawyer; the submission of complaints by detained persons and inmates; and the reporting of detainees or inmates who are being held illegally. In addition to this, a number of governmental and civil society bodies are invested with powers of supervision over places of detention and custody.

120. Registers are kept of inmates in correctional and rehabilitation centres while a criminal fingerprint register has been developed for use in police stations. A series of standing guidelines for law enforcement officials has been issued by administrative authorities with

oversight and monitoring powers, regarding the obligation to abide by codes of conduct, laws and instructions.

Use of force and firearms by Palestinian security forces

121. Under articles 2 and 3 of Firearms and Ammunition Act No. 2 of 1998, it is forbidden to acquire or carry firearms without a licence from the Ministry of the Interior. The manufacture, repair, import and trade of weapons and ammunition is also prohibited, save in accordance with the terms of the licence. Article 8 of Decree-Law No. 8 of 2007, regarding preventive security, enjoins respect for the rights, freedoms and safeguards envisaged in Palestinian domestic law and in international treaties. Moreover, article 52 of Decree-Law No. 23 of 2011, regarding the police, states that officers may resort to the use of force and firearms only to the extent necessary to perform their legitimate duties and tasks. Moreover, such use must be the only means available once all other non-violent means have been exhausted, and the rules and procedures governing the use of force and firearms under current law must be followed. For its part, the Revolutionary Criminal Code criminalizes the resort to armed force in a manner contrary to the instructions imparted to law enforcement officials.

122. The Minister of the Interior issued Decree No. 211/2011 containing rules on the use of force and firearms by members of the Palestinian security forces. Under those rules, security personnel must refrain from using force except in circumstances of extreme peril and they must abide by the principles of necessity and proportionality while also safeguarding civil rights and freedoms. Circular No. 07/2017 reaffirms that police officers must abide by instructions and rules when using force and firearms.

123. With a view to ensuring accountability, and in the wake of events in the governorate of Bethlehem on Friday 18 September 2015 during which law enforcement and public security forces attacked a child, the head of the National Security Forces issued a circular according to which such actions are to be considered as individual acts committed by persons who were acting in violation of standing orders and instructions. As a consequence, an investigation was launched by order of the head of the National Security Forces with a view to identifying those responsible for the acts in question. The commission of inquiry concluded that accountability lay with the officers concerned and disciplinary action was taken against them, ranging from relief of duties to disciplinary confinement, imprisonment and delayed promotion.

Death penalty

124. The death penalty is envisaged for a number of offences under criminal legislation: the Criminal Code (Act No. 16 of 1960), the Mandate-era Criminal Code (Act No. 74 of 1936), the Revolutionary Criminal Code of 1979 and the Explosives Act, as amended, which is in force in the West Bank. The State of Palestine is working to abolish the death penalty from legislative texts, to which end a draft criminal code has been prepared which does not contemplate the death penalty for any offence. The draft code is currently being reviewed by a committee, which is seeking to ensure its consistency with international human rights treaties. The enactment of the draft criminal code is a priority for the State of Palestine in its process of legislative reform.

Procedural guarantees surrounding the death penalty

125. Courts of first instance are competent to consider offences of all kinds. The Code of Criminal Procedure (Act No. 3 of 2001) sets forth the procedures to be followed in criminal proceedings, which legislators have made particularly stringent in cases involving the death penalty. Under articles 244 and 245 of the Code, a lawyer must be present to represent the accused person, and a lawyer is to be appointed for persons who lack the means to engage one for themselves. In addition, any sentence of death must be handed down by consensus (art. 272) and “the sentence must be signed by the judges and read out in public in the presence of the prosecutor and the accused, while the convicted person must be informed of the right to appeal” (art. 277). Moreover, “a request for a retrial does not entail the suspension of the enforcement of the sentence, save in the case of a death sentence” (art. 380 (1)).

126. The Code of Criminal Procedure also states: “Sentences of death and of life imprisonment are automatically subject to appeal under the law even if the parties themselves do not appeal them” (art. 327); and “all sentences of death and of life imprisonment are automatically subject to appeal in cassation under the law even if the parties themselves do not appeal them” (art. 350).

127. As concerns amnesties or reduction of sentence, the President of the State of Palestine has the right to grant a special pardon or to commute sentences, whereas general amnesties and an amnesty for a particular crime can only be enacted by law (art. 42 of the amended Basic Law).

128. Under the amended Basic Law and the Code of Criminal Procedure, a sentence of death handed down by any court is not to be carried out until ratified by the President of the State of Palestine (art. 109 of the amended Basic Law and art. 409 of the Code of Criminal Procedure). In this regard, it should be noted that the President of the State of Palestine has not ratified any death sentence since 2005, which is evidence of a political will in the State of Palestine to suspend the death penalty.

129. According to article 7 (2) of Decree-Law No. 4 of 2016 concerning the protection of juveniles: “A juvenile shall not be sentenced to death”. This constitutes a legislative development in the State of Palestine that is consistent with standards enshrined in international human rights treaties. Moreover, the Decree-Law defines a juvenile as “a child who was under 18 at the time the criminal act was committed”.

130. Article 17 (2) of the Criminal Code (Act No. 16 of 1960) states that, if a death sentence is handed down against a woman who is pregnant, it is to be commuted to a term of life imprisonment with hard labour. Under article 215 of the Mandate-era Criminal Code (Act No. 74 of 1936): “If the court is faced with convincing evidence that a woman convicted of murder is pregnant, she is to be sentenced to a term of life imprisonment.” Moreover, under article 414 of the Code of Criminal Procedure (Act No. 3 of 2001): “A sentence of death may not be carried out against a pregnant woman. If the woman then gives birth to a living child, the court that handed down the sentence is to commute the death penalty to a term of life imprisonment.”

Military courts

131. In addition to the safeguards enshrined in the amended Basic Law, the Revolutionary Code of Criminal Procedure states that a sentence of death may not be carried out until it has been ratified by the Commander-in-Chief. Moreover, the body authorized to ratify a sentence may commute the death sentence to a lesser penalty, repeal or suspend it, or order a retrial of the condemned party. In addition, a death sentence handed down against a pregnant woman is to be suspended until she has given birth.

132. As a way of ensuring two levels of jurisdiction in the military justice system, Decree-Law No. 31 of 2016 was issued to amend the 1979 Revolutionary Code of Criminal Procedure. Under the Decree-Law, the Military Court of Appeal was established which is competent to hear any appeal against judgments and rulings handed down by the Standing Military Tribunal (a court of first instance) and those handed down by the Special Military Tribunal.

133. In June 2018, the State of Palestine became a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the State is seeking to implement the international obligations arising from that accession. This includes amendments to legislation on the death penalty by the committee responsible for harmonizing legislation with international covenants and treaties.

134. In 2014, the State of Palestine acceded to the Convention on the Prevention and Punishment of the Crime of Genocide.

Maternal mortality

135. Rates of maternal mortality – i.e., the death of women during pregnancy, childbirth and until the forty-second day after birth – are shown in the table below:

<i>Year</i>	<i>No. of cases recorded in the State of Palestine</i>	<i>West Bank</i>	<i>Gaza Strip</i>
2014	30	13	17
2015	20	5	15
2016	18	9	9
2017	8	3	5

136. A number of steps have been taken to reduce the incidence of such cases. A care programme for high-risk pregnancies is being rolled out alongside community awareness-raising campaigns on the health of mothers and children, and reproductive health in general. A health education guide is being drafted and a high-risk pregnancy care service is being developed in primary health-care centres. The mechanism for reporting maternal deaths – in State-run, private and UNRWA institutions – has been updated and linked to a computerized system in order to improve monitoring and help determine causes of death.

Abortion

137. Abortion is prohibited under current law, with the exception of therapeutic abortion. Article 8 (1) of Public Health Act No. 20 of 2004 states: “It is prohibited to perform an abortion on any pregnant woman in any way unless such action is necessary to save her life, as testified by two specialist doctors (at least one of whom must be a gynaecologist) and under the following conditions: (a) The prior written consent of the pregnant woman or, if she is unable to provide it, the written consent of her husband or guardian; (b) The abortion must take place in a health-care institution.”

138. Abortions for pregnancies that were procured unlawfully (rape or incest) are carried out very limitedly. The initiative is taken by the Office of the Public Prosecution, which seeks a legal opinion from the Palestinian Fatwa Board before authorizing an abortion for a pregnancy resulting from rape or incest.

139. The Department for Women’s Health and Development and the Community Health Division, which are both part of the Ministry of Health, provide integrated reproductive health-care services in all regions, including marginalized areas. In that connection, family planning services have been made available in primary health-care centres at nominal fees, contraceptives have been included on the list of essential medicines of the Ministry of Health, the family planning protocol has been updated to meet the standards of the World Health Organization (WHO) and medical teams have been trained in the use of the protocol with a view to avoiding unwanted pregnancies.

Legislative steps to reduce so-called “honour killings of women”

140. Legislation previously in force – notably article 340 of the 1960 Criminal Code and article 18 of the Mandate-era Criminal Code – envisaged circumstances whereby a person who committed the offence of “killing a woman for reasons of honour” could benefit from a reduction or outright cancellation of any penalty. However, Decree No. 7, issued in May 2011, rescinded all abrogating and mitigating circumstances relating to “honour killings of women” envisaged in those articles.

141. Decree-Law No. 10 of 2014 expressly prohibits perpetrators of “honour killings” from benefiting from the mitigating circumstances envisaged under article 98 of the 1960 Criminal Code, while Decree-Law No. 5 of 2018 states that article 99, which also envisages mitigating circumstances, is not applicable in cases involving offences against women and children.

Article 7

Prohibition of torture in existing legislation

142. Torture and cruel treatment are prohibited under article 13 of the amended Basic Law which states: “(a) No one may be subjected to coercion or torture. Accused persons and others

who are deprived of their liberty are to be treated correctly; (b) Any statement or confession given in violation of the provisions of the preceding paragraph is invalid.”

143. Article 208 of the Criminal Code (Act No. 16 of 1960), which concerns the extraction of statements and information, states that anyone who subjects a person to any form of violence or force that is inadmissible by law, in order to extract a confession or information relating to an offence, is liable to a term of imprisonment of between 3 months and 3 years, unless the actions committed attract a harsher penalty.

144. Article 109 (b) of the Mandate-era Criminal Code also addresses the issue of acts of violence by public officials. According to that provision, any public official who subjects a person to force or violence or who orders them to be so subjected, for the purposes of extracting – either from the person concerned or from someone close to them – a confession or information relating to an offence, is considered to have committed a crime.

145. According to article 280 of the Revolutionary Criminal Code of 1979: “Anyone who subjects a person to any kind of force that is inadmissible by law, in order to extract a confession or information relating to an offence, or who orders such force to be used, shall be liable to a term of imprisonment of not less than 3 months. Where such acts of violence lead to illness or injury, the term of imprisonment shall be not less than 6 months. Where torture leads to a person’s death, the perpetrator shall be liable to a term of imprisonment with hard labour of not less than 5 years.”

146. Article 37 of the Correctional and Rehabilitation Centres Act prohibits torture or the use of force against inmates and states that inmates are not to be addressed using obscene or degrading language.

147. Under article 7 of the Decree-Law of 2016 concerning the protection of juveniles, it is prohibited to subject juveniles to physical or mental torture, or to punishment or treatment that is cruel, degrading or demeaning to human dignity.

148. The draft Palestinian criminal code includes the following definition of torture, which is consistent with the Convention against Torture: “Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for the purpose of obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

Accountability of law enforcement officials

149. With regard to disciplinary sanctions, the Palestinian Security Forces Service Act envisages penalties for anyone who violates their duty, while Decree No. 192 of 2009 of the Minister of the Interior underscores the need to hold law enforcement officials accountable for any violations of discipline. In the light of those provisions, the handbook of disciplinary violations for members of the Palestinian Security Forces considers abuse, torture or ill-treatment as first-degree violations which are liable to be penalized by dismissal from service. The Public Prosecutor, as the overall supervisor of the actions of law enforcement officials, holds full powers to pursue disciplinary action.

150. As concerns criminal sanctions, the Office of the Public Prosecution and the Office of the Military Prosecutor are – under the aforementioned laws – responsible for collecting evidence, carrying out inquiries, bringing charges and conducting the prosecution in cases involving torture and ill-treatment.

151. As concerns civil sanctions, the civil courts consider claims for compensation in accordance with general provisions and rules set forth in the Civil Torts Act No. 36 of 1944. Persons pursuing a civil suit also have the right to attach their claim to the criminal case, and the two are then considered together before the criminal court.

Inadmissibility of confessions obtained by torture

152. According to article 13 of the amended Basic Law, any statement or confession obtained via coercion or torture is invalid. Under article 214 of the Code of Criminal Procedure, in order for a confession to be valid, it must have been made freely and voluntarily, without pressure, physical or moral coercion, inducement or promise. Moreover, the confession must be consistent with the facts and it must constitute a clear and unequivocal acknowledgment of having committed the offence.

Oversight and complaints mechanisms

153. On the subject of oversight mechanisms, article 128 of the Code of Criminal Procedure stipulates the obligation to report the presence of any inmates who are being unlawfully detained. At the same time, article 6 of the Correctional and Rehabilitation Centres Act states that inmates must necessarily be admitted to and released from prison under a legal warrant. In order to reinforce that provision, articles 10–12 of the same Act confer the power to inspect correctional and rehabilitation centres on the following authorities, each within its own mandate: the Minister of Justice and the Minister of the Interior or their deputies; heads of governorates; the Public Prosecutor and deputy prosecutors; and judges of the Supreme Court and of central courts. Moreover, the Independent Commission for Human Rights, as well as international and local civil society institutions, also play a role in ensuring effective oversight by making visits and receiving and following up on complaints.

154. Since the State of Palestine acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the authorities have worked to establish a national torture prevention mechanism. The United Nations Subcommittee on Prevention of Torture had been supposed to make a field visit to the State of Palestine in April 2019, and Palestine had welcomed the initiative and provided the Subcommittee with information to facilitate its task; however, Israel, the occupying power, refused to grant entry visas to the members of the Subcommittee thereby preventing the visit from taking place.

155. As concerns complaints, article 127 of the Code of Criminal Procedure and article 18 of the Correctional and Rehabilitation Centres Act both include provision for the right of inmates and detainees to file complaints. Such complaints are recorded in a special register so that they can be adequately followed up and addressed.

156. The structure of law enforcement agencies includes departments for handling complaints from inmates, each within its own area of jurisdiction. One of these is the human rights unit in the Office of the Public Prosecution and the Office of the Military Prosecutor, which takes steps to ensure that complaints are properly addressed. Those steps include:

- Referring the victim to a forensic doctor in order to get a medical report detailing any bodily injuries and the length of time the victim is incapacitated;
- Drafting crime scene investigation reports;
- Removing the person against whom the complaint is lodged from proximity to the inmate in order to protect the latter and ensuring that the preliminary investigation remains confidential;
- The Office of the Military Prosecutor refers the case to the competent court so that the accused person can be tried on charges of torture.

Cases of torture and inhuman practices (2014 to 2017)

<i>Type of charge</i>	<i>2014</i>		<i>2015</i>		<i>2016</i>		<i>2017</i>	
	<i>No. of cases</i>	<i>Legal action taken</i>	<i>No. of cases</i>	<i>Legal action taken</i>	<i>No. of cases</i>	<i>Legal action taken</i>	<i>No. of cases</i>	<i>Legal action taken</i>
Homicide	2	Court rulings handed down in both cases	10	Court rulings handed down in seven cases, three of them by military tribunals	7	Pending before military tribunals	1	Under investigation
Deprivation of liberty			3	Court rulings handed down in all three cases	13	Seven cases dismissed for lack of evidence and six pending before military tribunals	8	Two cases dismissed for lack of evidence, five under investigation and one pending before military tribunals
Torture							2	Under investigation
Abduction			1	Court ruling handed down	3	Court rulings handed down	1	Case dismissed for lack of evidence
Complaints by civil society institutions:								
Al-Haq							2	Under investigation
Independent Commission for Human Rights							14	Under investigation

Persons charged with maltreatment of detainees or extraction of information by force (2016 to 2018)**Number of persons charged, by agency**

	<i>Agency</i>	<i>No.</i>
1	Police	137
2	General Intelligence Service	6
3	Preventive Security Service	5
4	National Security Forces	4
5	Medical services	4
6	Customs	3
7	Civil defence	2
8	Intelligence services	1

Number of cases, by legal action taken

	<i>Legal action taken</i>	<i>No.</i>
1	Cases kept on file	39
2	Cases resulting in acquittal	40
3	Cases resulting in conviction	24
4	Cases pending trial	34
5	Cases under investigation	36

Note: The discrepancy in the totals between the two tables is due to the fact that some persons were charged in multiple cases.

Compensation

157. Article 32 of the Basic Law, as amended, envisages the right to compensation for violations of public rights and freedoms. According to the Code of Criminal Procedure, persons who have suffered harm as a consequence of a crime or violation against them may file a civil case in pursuit of just compensation. The relevant provision is contained in article 194 (1), which states: "Anyone who has suffered harm as a consequence of an offence may submit a request to the prosecutor or to the court that is examining the case expressly invoking their civil right to compensation for the harm suffered as a result of the crime."

158. Under article 94 of the Palestinian Security Forces Service Act No. 8 of 2005, an officer who violates instructions shall bear any consequent civil liability. Such violations may include the infliction of torture or inhuman or degrading treatment. In the same way, article 173 of the Act addresses offences committed by non-commissioned officers and enlisted personnel of the security services.

Inmates condemned to death

159. Under current legislation, and specifically under article (59 (1) and (2) of the Correctional and Rehabilitation Centres Act, inmates facing death sentences are placed under round-the-clock surveillance, while the Public Prosecutor or his representatives, religious figures and the prison doctor can visit the inmate at any time.

Operational rules for law enforcement personnel

160. Codes of conduct, which govern working standards and ethics, expressly prohibit the use of torture and other cruel, inhuman or degrading treatment. These codes include the following: the code of conduct for judges, the code of conduct for members of the Office of the Public Prosecution, the code of conduct and ethics for police officers; the code of conduct for civil defence personnel; the code of conduct for members of the preventive security service; the code of professional conduct and ethics for members of the intelligence services, the handbook of disciplinary violations for members of the Palestinian security forces; the code of conduct concerning the use of force and firearms by members of the security forces; the code of ethics and conduct for members of the security forces; the procedural guide for health services; and the procedural guide for complaints units in the security services.

161. On 13 September 2009, the President of the State of Palestine issued instructions – which were circulated to the heads of all security agencies – to cease any form of torture or other practices harmful to human rights and dignity. On 14 May 2013, the President issued further instructions addressed to all agencies with powers to arrest, detain or conduct investigations, stressing the need to comply with laws prohibiting torture and to respect international treaties.

162. The Minister of the Interior has issued a number of decrees in this connection. Decree No. 149 of 2009 concerns compliance by the security services with rules and standards for treating detainees and precludes physical or psychological punishment of any kind or any form of torture against persons deprived of liberty. Decree No. 192 issued by the Minister of the Interior on 1 December 2009 concerns disciplinary offences committed by members of the Palestinian security forces that involve harming, torturing or ill-treating others in

violation of humanitarian values and legislation in force. First-degree violations are punishable by the administrative penalty of separation from service. A further decree in 2017 envisaged the formation of a team to monitor the human rights obligations of the Minister of the Interior.

163. Circular No. 6 of 2010, issued by the Director-General of the Palestinian police, prohibits the use of violence, torture or any other form of cruel or degrading treatment when dealing with citizens. In addition, several circulars issued by the general intelligence services contain instructions to staff to comply with the standards enshrined in the Convention against Torture and to observe all relevant laws. Circulars issued to members of the preventive security service also underscore the importance of abiding by legal procedures relating to summons, arrest, search, seizure and the taking of statements, as well as the need to take steps to ensure that summoned, arrested or detained persons are not subjected to ill-treatment.

Training

164. The Ministry of the Interior conducts ongoing human rights training for all members of the security forces, including awareness-raising about obligations stemming from the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the Convention.

165. Palestinian security agencies have held 416 training courses, lectures and workshops on a range of human rights issues, including torture, dealing with children and women victims of violence, psychosocial counselling, family protection, categorization of inmates and relevant laws.

166. In 2017, the Ministry of the Interior and An-Najah National University signed a memorandum of understanding regarding academic qualifications for staff of the Ministry of the Interior, the security forces, the Ministry of Justice, the department of forensic medicine and the military medical services. The aim was to raise awareness about the Convention against Torture and to adopt the Istanbul Protocol as a training model with a view to establishing, on the basis of those criteria, a national team specializing in anti-torture issues.

167. In 2018, the Ministry of the Interior signed a cooperation agreement with the Muwatin Institute at Birzeit University for the development of a training curriculum on human rights issues, with the title: "A guide to human rights and democracy for security forces and State institutions". The agreement also envisaged training for staff of the Ministry of the Interior and security forces on how to draft human rights training manuals.

Prohibition on the extradition, deportation, expulsion or forced removal of any person

168. Under article 7 of the Extradition Act of 1927, in force in the West Bank, and article 6 of the Extradition Act of 1926, in force in the Gaza Strip, a fugitive criminal is not to be extradited if the crime in questions is political in nature. The extradition of fugitive criminals in cases where they might be liable to be tortured is not prohibited under either Act. Extradition is also addressed in the 2005 General Intelligence Services Act, which states that provisions regarding persons accused of extraditable offences contained in treaties between the State of Palestine and other States must be observed in a manner that is not at variance with the law.

Combating torture at the international level

169. The accession of the State of Palestine to the Convention against Torture, without reservations, particularly as concerns the jurisdiction of the Committee against Torture under article 20 of the Convention, is an expression of the State's political will to ban torture and of its engagement in the efforts of the international community to that end. In 2017, the accession of the State of Palestine to the Optional Protocol to the Convention was a further qualitative step and preventive measure aimed at banning torture and ill-treatment. Under a decree of the Council of Ministers on 19 August 2019, a national anti-torture preventive mechanism was set up in the State of Palestine as an independent body.

170. In January 2015, the State of Palestine, acting pursuant to article 12 (3) of the Rome Statute of the International Criminal Court, deposited a declaration accepting the jurisdiction

of the Court to consider, with retroactive effect, crimes committed since 13 June 2014. The State of Palestine then deposited its instrument of accession to the Rome Statute, which thus entered into effect.

171. In addition to this, the State of Palestine joined the International Criminal Police Organization (INTERPOL) in 2017, after which it set up its INTERPOL National Central Bureau, which has been properly equipped to carry out its duties and staffed with experienced police officers.

Correctional methods in schools

172. Article 4 (15) of the Decree-Law on Public Education of 2017 states: “It is prohibited to use violence as a means of discipline. All students are entitled to protection.” In addition to this, the Ministry of Education and Higher Education has, since 2013, embraced a policy to reduce violence and promote discipline in State-run and private schools, which is applicable in all governorates and is part of a strategy to improve the quality of education and to create a safe and violence-free school environment. The strategy includes activities that are intended to consolidate the use of the policy among education-sector workers as a key reference with which to address issues related to school violence. The activities focus on capacity-building, establishing a system for referring cases of violence from schools to the competent institutions, improving the school environment and setting up educational guidance centres in schools exposed to the violence and violations of the Israeli occupation. A competition of creative innovations for fostering a safe school environment and curbing violence has been launched in some schools, and a training guide has been produced on how to deal with gender-based violence in schools.

173. Female circumcision is not prevalent in the State of Palestine.

Experimentation on human beings

174. The Basic Law, as amended, forbids experimentation on human subjects without the consent of the individual concerned. The relevant provision is contained in article 16, which reads: “It is unlawful to conduct any medical or scientific experiment on any person without prior legal consent.” Moreover, article 60 of Public Health Act No. 20 of 2004 stipulates that sick persons have the right to receive a clear explanation of any proposed treatment, which they can consent to or refuse. They can also accept or refuse to participate in any research or training being conducted by the health-care institution.

Torture practised by Israel, the occupying power, against Palestinians

175. Israel, the occupying power, perpetrates various crimes of torture and other cruel, inhuman and degrading practices against the Palestinian people, and particularly against Palestinian prisoners and detainees being held in the prisons of the Israeli occupation. In fact, Palestinian inmates in those prisons, especially children, face harsh and inhuman conditions and, as of July 2019, 220 of them had died as a consequence of torture, medical neglect or direct targeting.

176. The 1999 “ticking time-bomb” ruling of the Israeli Supreme Court ruling left the door wide open to the use of torture and other cruel, inhuman and degrading treatment against Palestinian prisoners, on the pretext of “necessity”. In fact, Israeli prison administrators and investigators exploit the Supreme Court’s ruling to use harsh and prohibited physical means of interrogation against Palestinian prisoners under the pretext of “the seriousness of the situation”. Moreover, such interrogations remain secret and are conducted in the absence of oversight by any external independent body.

177. In 2015 Israel, the occupying power, ratified a “force-feeding” law which allows for the forcible feeding of prisoners on hunger strike. In this way, the law provides an umbrella for the occupation authorities to use torture against hunger-striking prisoners and comes to constitute a form of subjecting individuals to medical experiments against their will.

178. The systematic Israeli policy of holding back the bodies of the dead is part of a broader policy of collective punishment used by the authorities against the Palestinian people. Indeed, the Israeli occupying authorities are still holding the bodies of 294 Palestinians, dating back

as far as 1967, and are refusing to hand them over to their families for humane burial in accordance with their religious beliefs.

179. Since 2007, the Israeli occupation has been imposing an illegal blockade on the Gaza Strip during which time it has carried out measures contrary to international law, launched repeated attacks and inflicted collective punishment that continues to this day. Under its illegal blockade, Israel has made life in the Gaza Strip a form of physical and psychological torture.

180. The Israeli aggression against the occupied Gaza Strip in 2014 had devastating consequences at various levels: economic, social, political, material and human. During the course of its attack Israel, the occupying power, committed war crimes and crimes against humanity, including the killing of civilians, the destruction of civilian property and the use of prohibited weapons. One of these was white phosphorus, which indiscriminately caused burns, disfigurements and permanent disabilities to hundreds of Palestinian civilians in the Gaza Strip. The attack and the associated collective punishments against the human rights of Palestinians in the Gaza Strip have given rise to harsh living conditions and filled life there with pain and suffering.

Article 8

181. Under the 2015 Decree-Law on combating money-laundering and the financing of terrorism, as amended, all monies obtained from human trafficking or the sexual exploitation of women and children are considered to be illegal assets and to constitute grounds for the offence of money-laundering, with offenders being liable to imprisonment and a fine.

182. Under the heading “Incitement to debauchery and undermining public ethics and morals”, articles 310–312 of the 1960 Criminal Code envisage penalties of up to 3 years’ imprisonment for anyone who has leads or attempts to lead a female aged under 20 into prostitution, or a person under the age of 15 into an act of sodomy, or who uses threats, intimidation, deception or narcotics to induce a female into an act of illicit intercourse. In addition, anyone who furnishes, rents or purchases a location to use for purposes of prostitution or who participates in the use of a location as a brothel is liable to a term of imprisonment of up to 6 months and/or a fine.

183. In order to promote its commitment to combat human trafficking, the State of Palestine has set up a national team with representatives from competent institutions to work on a draft law on human trafficking. The new law includes a definition of trafficking and envisages condign penalties, which become more severe if the victim is a child, lacks competency or is a person with a disability. The draft law also envisages the formation of a national committee with the task of developing a comprehensive national strategy to combat human trafficking, establishing a database, drafting reports, setting up mechanisms and providing support and protection for victims.

184. For its part, the draft criminal code contemplates two offences: human trafficking and enslavement. Enslavement means: “The exercise of any or all of the powers attaching to the right of ownership over a person, including the exercise of such power in the course of trafficking in persons, in particular women and children.”

185. The Ministry of Social Development runs several programmes to provide services to female victims of violence, including one for the protection and social rehabilitation of female victims of exploitation and trafficking. The State of Palestine is continuing to develop anti-human-trafficking mechanisms, in which regard a database is being compiled wherewith to monitor and document trafficking offences. At the same time, a series of training and capacity-building programmes has been rolled out to help develop human resources in this field.

186. Thanks to the control it exercises over the Occupied Palestinian Territory, including Jerusalem, its fragmentation of Palestinian geographical unity using all possible means and the permanent obstacles it places on Palestinians’ freedom of movement, Israel, the occupying power, has hampered the efforts of the competent Palestinian authorities to combat human trafficking.

187. The State of Palestine acceded to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2017. In addition, also in 2017, it acceded to the United Nations Convention against Transnational Organized Crime and to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. In 2018, it acceded to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Moreover, the State of Palestine is a party to the 1904 International Agreement for the Suppression of the White Slave Traffic and the 1921 International Convention for the Suppression of the Traffic in Women and Children, while in 2013 it ratified the Arab Convention against Transnational Organized Crime and joined the Arab Network to Combat Human Trafficking.

Prohibition of forced and compulsory labour

188. The amended Basic Law and applicable labour laws prohibit all forms of forced or compulsory labour or exploitation of workers. According to article 25 of the Basic Law, work is the right of every citizen and labour relations are to be regulated in such a way as to ensure justice for all. The Law also envisages welfare, insurance and health and social care for workers.

189. The Labour Code (Act No. 7 of 2000) also states that work is the right of every citizen capable of performing it, on the basis of equality of opportunity and without discrimination of any kind. The Code includes legal safeguards for the protection of workers, such as terms and conditions of employment, working hours, wages, holidays, vocational health and safety requirements, insurance against workplace injuries and conditions for the employment of minors and women.

190. A labour inspectorate has been set up in the Ministry of Labour to monitor workplaces and thus protect workers and harmonize working conditions. The inspectorate has judicial oversight powers and can receive complaints and impose sanctions under the law.

191. The Ministry of Labour oversees contracts for domestic workers, and the Minister of Labour has issued a decree to regulate domestic work in such a way as to guarantee the rights of persons who operate in that sector while increasing penalties for employers who violate the law.

192. The results of a workforce survey conducted by the Palestinian Central Bureau of Statistics in 2019 show that 30 per cent of salaried employees in the private sector in the State of Palestine earn a monthly wage that is less than the minimum wage (1,450 shekels). The proportion of salaried employees earning less than the minimum monthly wage in the West Bank fell from 12 per cent to 10 per cent between 2018 and 2019, while it rose from 72 per cent to 80 per cent in the Gaza Strip, over the same period.

193. With regard to the enforcement of sentences of hard labour, which is one of the penalties envisaged in the current Criminal Code, the courts do hand down sentences to that effect; however, the sentence is applied as one of imprisonment without hard labour. This is because Palestinian correctional and rehabilitation institutions do not impose hard labour as a punitive measure.

194. Under article 399 of the Code of Criminal Procedure, anyone who has been sentenced to a term of imprisonment of up to 3 months is entitled to make a request to the Office of the Public Prosecution to serve that sentence outside a correctional and rehabilitation institution centre, as an alternative to deprivation of liberty, unless the sentence expressly excludes that option.

Article 9

195. Current domestic legislation guarantees individuals the enjoyment of freedom and personal security, which cannot be infringed except by law. In that connect, article 11 of the amended Basic Law stipulates: "Personal freedom is a natural right that is guaranteed and

may not be infringed. No one may be arrested, searched or detained, have their freedom or freedom of movement restricted in any way except by a court order issued in accordance with the law. The duration of pretrial detention is determined by law and no one can be detained or imprisoned except in places subject to the laws regulating prisons.”

196. Article 29 of the Code of Criminal Procedure (Act No. 3 of 2001) states: “No person may be arrested or imprisoned except by order of the authority competent to do so by law. Such persons must be treated in a manner that preserves their dignity and may not be physically or morally harmed.”

197. Article 12 of the Basic Law, as amended reads: “Persons who have been arrested or detained are to be informed of the reasons for their arrest or detention. They are to be promptly informed, in a language they understand, of the nature of the charges against them. They have the right to contact a lawyer and to be tried before a court without delay.” Summonses and arrest warrants are to be signed and stamped by the competent authority and are to include the name, description and surname of the accused persons, the offences of which they stand accused and the articles under which they are being charged, their full address and the duration of detention, if any. The enforcing official must show the warrant to the persons being arrested and inform them of its contents (arts. 110 and 112 of the Code of Criminal Procedure).

198. Accused persons have the right to postpone their questioning for 24 hours until their lawyer can be present. However, in cases of flagrante delicto, necessity or where prompt action is required for fear of losing evidence, prosecutors can proceed with the questioning before the lawyer is present. Following the interrogation, the lawyer then has the right to examine any statements made by the accused (arts. 97 and 98 of the Code of Criminal Procedure).

199. Articles 3 (3) and 8 of the Crime Prevention Act No. 7 of 1954, which is in force in the West Bank, and articles 3 (8) and 8 of the Crime Prevention Act No. 48 of 1933, which is in force in the Gaza Strip, grant the administrative authority (the governor) powers of arrest in special cases, when necessary as an administrative measure in order to ensure public security and order. However, the governor may exercise this power only against persons whose presence at large poses a menace to the public and only in cases where those persons refuse to make a pledge of good conduct, a pledge that can be backed by a financial surety. Thus, this power may be exercised against persons in circumstances that indicate they are on the verge of committing an offence, habitual offenders or persons who pose a menace to the public if they remain at large without some form of financial surety.

Duration of custody and detention

200. Under the Code of Criminal Procedure, law enforcement officials are required to bring arrested persons, if they have not been released, before the competent prosecutor within 24 hours. Once the director of a detention centre has delivered an accused person to the Office of the Public Prosecution, the interrogation must take place within 24 hours, after which prosecutors must order either the detention in custody or release of the person concerned.

201. Following the interrogation, prosecutors may hold an accused person for 48 hours. That period may then be extended by the courts in accordance with the law. In other words, an arrested person may not be held for more than 48 hours before appearing before a judge, who is entitled to extend the detention for a period of up to 15 days or order the release of the person concerned having first heard his or her statement. Custody may be renewed for further periods up to an overall total of 45 days.

202. No one may be held in custody for more than 45 days unless a request is submitted to the court of first instance by the Public Prosecutor or one of his deputies. In such a case, the further period of detention may not exceed an additional 45 days. Before the end of that 3-month period, the Office of the Public Prosecution must bring the accused person before the competent court for trial, with the period of detention then being extended until the end of the trial. In no case may the overall period of detention be in excess of 6 months. This means that the sum total of all the periods of pretrial detention must not exceed 6 months, calculated from the first day of the arrest and detention of the accused person. Otherwise, the person concerned must be released immediately unless he or she is referred to the competent court

for trial. In no case, may custody continue for a period longer than the penalty prescribed for the offence for which the person was arrested. If the courts issue a ruling that an accused person is to be released, that release must be effected immediately, unless the individual concerned is imprisoned or detained for another reason. The period spent in detention is to be calculated as part of the sentence if the person concerned is convicted and sent to prison.

203. Although the question of pretrial detention is regulated in the Code of Criminal Procedure, the procedures and safeguards are left to the judge's discretionary authority. In particular, it is up to the judge to decide to extend custody after having heard statements from the Office of the Public Prosecution and the accused person, which may sometimes lead to an extension of the period of detention. Furthermore, the law does not specify a time limit for the trial but simply states that the proceedings are to begin within six months of the arrest. This explains the increase in the number of detainees who are still under trial.

204. The Ministry of the Interior has produced statistics concerning the number of detainees and convicted persons in institutions that are subject to the Correctional and Rehabilitation Centres Act.

Number of detainees in correctional and rehabilitation centres (2014–2017)

Centre	2014		2015		2016		2017	
	Males	Females	Males	Female	Males	Females	Males	Females
Bethlehem	1 011	50	1 034	43	1 001	49	683	38
Janin	2 526	75	2 226	71	1 590	60	1 210	98
Nabulus	3 035	0	1 905	0	1 744	0	1 174	0
Ramallah	2 453	67	1 465	73	1 278	84	1 058	72
Jericho	1 111	22	1 136	27	869	38	628	40
Hebron	972	0	574	0	578	0	481	0
Tulkarm	1 265	0	1 052	0	864	0	499	0
Total	12 373	214	9 392	214	7 924	231	5 733	248
Grand total	12 587		9 606		8 155		5 981	

Number of convicted persons in correctional and rehabilitation centres (2014–2017)

Centre	2014		2015		2016		2017	
	Males	Females	Males	Females	Males	Female	Males	Females
Bethlehem	457	23	531	16	466	12	297	22
Janin	1 096	23	1 016	22	763	29	664	41
Nabulus	1 517	0	835	0	805	0	512	0
Ramallah	1 087	14	573	21	568	32	482	22
Jericho	507	7	569	13	419	20	286	17
Hebron	449	0	261	0	251	0	179	0
Tulkarm	503	0	452	0	382	0	209	0
Total	5 616	67	4 237	72	3 654	93	2 629	102
Grand total	5 683		4 309		3 747		2 731	

Number of detained and convicted persons in military correctional and rehabilitation centres

<i>Year</i>	<i>No. of detainees</i>	<i>No. of convicted persons</i>
2014	190	498
2015	267	496
2016	322	575
2017	327	605
2018	49	112

205. Articles 62 and 63 of the Correctional and Rehabilitation Centres Act prescribe disciplinary penalties that can be imposed against inmates. Those penalties are: a caution, solitary confinement for up to 1 week or the withdrawal of certain benefits envisaged for the class of inmates concerned for a period of up to 30 days. Disciplinary sanctions may be imposed on the inmate only after an investigation and after taking the statement of the inmate and considering his defence. The grounds for the penalty must be made explicit and recorded in the register.

206. Under a 2012 decree of the Minister of the Interior, a criminal fingerprint register has been developed for use by the police. It serves to record and archive fingerprints and other information from suspects, convicted persons, detainees and inmates in correctional and rehabilitation institutions and detention centres, as well as fingerprints and other related evidence found at crime scenes by police experts.

Oversight

207. As noted earlier, domestic laws grant a number of different bodies the authority to supervise detention centres. As a way of ensuring that no one can be illegally detained, the law also includes provision for registers wherein to record admissions and releases.

208. Article 178 and 179 of the 1960 Criminal Code prescribe penalties for unlawful arrest or imprisonment. The relevant passage states: “Any official who detains or imprisons someone in a manner other than that prescribed by law is liable to a term of imprisonment of between 3 months and 1 year.” Moreover: “If the directors or guards of prisons, disciplinary institutions and correctional centres, or any official vested with their powers, admit a person without a warrant or order from the courts, or detain a person for longer than the decreed period, are liable to a term of imprisonment of between 1 month and 1 year.”

209. According to article 180 of the Code, the aforementioned officials, officers and enlisted personnel of the police and the gendarmerie and administrative officials who refuse to bring or delay bringing a detainee or a prison inmate before a competent court or judge, when asked to do so, are liable to a term of imprisonment of up to 6 months and to payment of a fine of up to 50 dinars.

210. Article 33 (3) of Ordinary Courts Act No. 5 of 2001 provides that the Supreme Court of Justice has jurisdiction to consider applications challenging imprisonment and requesting the release of unlawfully detained persons. According to article 34 (3) and (4) of the Act, applications and appeals before the Supreme Court of Justice by individuals and bodies must be brought on grounds of violation of law or regulations, of an error in the application or interpretation of law or regulations or of abuse of power, as set forth in law.

211. Article 131 of the Code of Criminal Procedure guarantees detained persons the right to apply for release on bail. It reads: “If the accused person has not been referred for trial, the application for release on bail is to be addressed to the judge authorized to issue the arrest warrant.” If the accused person has already been referred to the courts, then article 132 becomes applicable, which reads: “If the accused person has been referred for trial, the application for release on bail is to be addressed to the court competent to conduct the trial.”

212. Article 32 of the amended Basic Law guarantees fair compensation for persons who have suffered an abuse of their rights and freedoms, including unlawful arrest. This is reconfirmed under article 387 of the Code of Criminal Procedure, which states: “A person

acquitted following a retrial has the right to claim compensation from the State for damages arising from the earlier sentence.”

213. According to annual compilations of complaints, which are produced by the Council of Ministers, there were 43 complaints concerning illegal detention in 2015 of which 34 were addressed; there were 71 such complaints in 2016 of which 64 were addressed; and there were 107 complaints in 2017.

Detention in psychiatric hospitals

214. There are two psychiatric hospitals in the State of Palestine: Gaza Hospital and Bethlehem Hospital. Patients can admit themselves or they can be brought in by their family who request their admittance. The police can bring in persons in their custody whom they suspect of having a mental disorder for them to be assessed by the hospital. The courts can also refer convicted persons who suffer from mental conditions that require admittance to a psychiatric hospital rather than to a correctional and rehabilitation centre.

215. In the first three of the aforementioned cases, the person is admitted on the basis of an assessment by the doctor on duty, who can contact a consultant psychiatrist in case of need. Definitive admittance to the hospital depends upon the outcome of that assessment. Medical staff discuss and assess cases and, if they agree that a person should be admitted, the case is assigned to a specialized doctor for follow-up for a duration of between 7 and 30 days, unless the case is particularly serious in which case that period can be extended. Persons are detained in psychiatric hospitals against their will only in very severe cases. If they appeal against their admittance, an assessment of their mental condition is conducted before deciding whether or not they can leave the institution. However, appeals are not officially recorded and there are no official statistics on the number of such cases.

Arbitrary administrative detention practised by Israel, the occupying power

216. Arbitrary administrative detention by Israel, the occupying power, is part of a systematic and broad-ranging government policy and constitutes a form of collective punishment against Palestinians. In fact, the occupying authorities have detained around 1 million Palestinians since 1967, heedless of any international standards regulating the rights of detainees.

217. Jurisdiction to bring a detainee before the military courts lies with the so-called “military command” of the Israeli occupation. In April 2002 the delay was extended to 18 days, which is evidence of the arbitrary and unjustified detention of Palestinians by the Israeli occupation. The duration of arbitrary administrative detention can extend to up to 6 months, which may then be further extended unconditionally. Moreover, all cases of arbitrary administrative detention come before the military courts sitting in camera and, using flimsy pretexts, no defence lawyer is given the opportunity to examine documents or information pertaining to the case. Moreover, of course, the public are not allowed to attend. Thus detainees are deprived of their right to a fair and public trial.

218. Israel, the illegal occupying power, uses unjust laws to arrest thousands of Palestinians arbitrarily. The unjust Israeli military laws that underpin administrative detention orders go back to the Emergency Act of 1945, which dates from the Mandate era. In fact, Palestinians suffer arbitrary administrative detention in the Occupied Palestinian Territory under three different legal systems: in the West Bank, Palestinians are detained under Military Decree No. 1651; in Jerusalem, they are detained under the Emergency Powers (Detention) Act of 1979, under which the Minister of Defence is authorized to issued orders for arbitrary administrative detention in state of emergency; and in the Gaza Strip, they are detained under the 2002 Incarceration of Unlawful Combatants Act.

Article 10

219. The legal system regulating prison conditions envisages rights and principles to ensure humane treatment and respect for the dignity of persons deprived of their liberty. Notably, article 13 (1) of the amended Basic Law requires that accused persons and others who are

deprived of their liberty be treated correctly. In addition, article 29 of the Code of Criminal Procedure states that persons who have been arrested are to be treated in a manner that preserves their dignity and they may not be physically or morally harmed. For its part, article 37 (2) and (3) of the Correctional and Rehabilitation Centres Act prohibits torture or the use of force against inmates. It also states that inmates are not to be addressed using obscene or degrading language. The Decree-Law concerning the protection of juveniles represents an important step by the State of Palestine towards achieving consistency with the standards enshrined in international human rights treaties, particularly as it has adopted the United Nations Standard Minimum Rules for the Administration of Juvenile Justice. As part of its international obligations, the State of Palestine is reviewing laws and regulations that have a bearing on conditions of detention and deprivation of liberty, in order ensure that they comply with human rights standards.

220. The Correctional and Rehabilitation Centres Act includes a body of legal principles, safeguards and inmates' rights. They include:

- Prohibiting torture or the use of force against inmates (art. 37);
- Leaving inmates free to practise religious rituals and obligations (art. 37);
- The inspection of detention centres and the appointment of inspectors and social workers (sec. 4);
- The right to health care and medical services (sec. 5);
- Education for inmates (sec. 9);
- Training and employment for inmates (sec. 12);
- Visits and communication with the outside world (sec. 15).

221. The administration of correctional and rehabilitation centres is underpinned by a structure wherein tasks, responsibilities and specialized departments are all clearly defined; at the same time, administrators of security agencies have adopted codes of conduct and circulars to regulate the actions of their staff and to ensure that inmates are well treated. Implementing regulations have been drafted for the Correctional and Rehabilitation Centres Act, and a guide to operational procedures has been produced for the legal units of the Palestinian security services as well as a consolidated operational manual for the delivery of health services in correctional and rehabilitation centres. In partnership with civil society institutions, a list of rights of detained persons has been drawn up and circulated to all places of deprivation of liberty.

222. **Correctional and rehabilitation centres**

Detention facilities in the West Bank are divided into three categories depending upon duration of detention and on the authority to which they are affiliated:

- Permanent detention centres: These are subject to the Correctional and Rehabilitation Centres Act and are answerable to the General Directorate of Correctional and Rehabilitation Centres;
- Temporary detention centres (police custody): Arrested persons are subject to the Code of Criminal Procedure; detention lasts no more than 24 hours and is overseen by the Directorate General of Police;
- Detention facilities affiliated with the security services: These facilities are linked to the security agencies in the West Bank – Preventive Security, General Intelligence and Military Intelligence – and each is supervised by the administrators of the agency concerned. Military detainees are detained under warrants issued by the military prosecutor of Military Intelligence, and detention can be extended in accordance with the 1979 Revolutionary Code so that the detainees can then be brought before the military courts.

Correctional and rehabilitation centres in the Gaza Strip

A number of detention facilities have been opened in the governorates of the Gaza Strip to alleviate overcrowding in the main facility. These facilities are as follows:

- The Southern District correctional and rehabilitation centre located in the governorate of Khan Yunus, where prisoners from the southern governorates of the Gaza Strip (Rafah and Khan Yunus) are held;
- The Central District correctional and rehabilitation centre located in the governorate of Dayr al-Balah, where prisoners from that governorate are held;
- The North Gaza correctional and rehabilitation centre located in the town of Bayt Lahiya in the governorate of North Gaza, where prisoners from that governorate (Jabaliyah, Bayt Lahiya and Bayt Hanun) are held.

223. Oversight mechanisms

- The Code of Criminal Procedure and the Correctional and Rehabilitation Centres Act both grant inmates the right to lodge complaints;
- The oversight and inspection unit of the Department for Correctional and Rehabilitation Centres undertakes periodic visits to monitor fulfilment of obligations vis-à-vis inmates' rights;
- The Military Prosecutor has instructed staff of the Office of the Military Prosecution to inspect military-run detention centres;
- Medical oversight is performed by military medical services;
- Several memorandums of understanding have been signed between the Ministry of the Interior, the Independent Commission for Human Rights and local and international civil society institutions, under which those bodies are allowed to visit and inspect places of deprivation of liberty, examine conditions and conduct interviews with inmates.

224. Statistics regarding visits and inspections

Inspection of correctional and rehabilitation centres by government agencies

<i>Agency</i>	<i>Year</i>	<i>Number of visits to General Intelligence detention facilities</i>	<i>Number of visits to Military Intelligence detention facilities</i>	<i>Number of visits to Preventive Security detention facilities</i>
	2014			
Office of the Public Prosecutor/senior prosecutors	2015			
	2016	Twice a month	Periodic monthly visits	Periodic monthly visits
	2017			
	2018			

Inspection of correctional and rehabilitation centres by government agencies (police)

<i>Agency</i>	<i>Year</i>	<i>No. of visits</i>
Ministry of Justice	2015	1
	2017	2
Supreme Judicial Council	2014	14
	2015	16
	2016	15
	2017	19
Office of the Public Prosecutor/senior prosecutors	2014	14
	2015	11
	2016	25
	2017	36

Visits of inspection to correctional and rehabilitation centres by the Independent Commission for Human Rights

<i>Year</i>	<i>Number of visits to intelligence services detention facilities</i>	<i>Number of visits to police detention facilities</i>
2014	156	93
2015	156	96
2016	156	118
2017	156	114

Visits of inspection to correctional and rehabilitation centres by local civil society institutions (intelligence services)

<i>Agency</i>	<i>Year</i>	<i>No. of visits</i>
Hurriyat Centre	2014	132
	2015	144
	2016	132
	2017	156
Al-Haq	2014	114
	2015	78
	2016	114
	2017	126

Visits of inspection to correctional and rehabilitation centres by international organizations (intelligence services)

<i>Agency</i>	<i>Year</i>	<i>No. of visits</i>
International Committee of the Red Cross	2014	156
	2015	156
	2016	156
	2017	156
	2018	156

Visits of inspection to correctional and rehabilitation centres by international organizations (police)

<i>Agency</i>	<i>Year</i>	<i>No. of visits</i>
International Committee of the Red Cross	2014	44
	2015	65
	2016	35
	2017	47
Office of the High Commissioner for Human Rights	2014	0
	2015	1
	2016	0
	2017	2

225. The question of juveniles is addressed in the reply to article 24.

Disciplinary system

226. Under law and practice, disciplinary sanctions are limited to three types: a caution, solitary confinement for up to 1 week or the withdrawal of certain benefits envisaged for the

class of inmates concerned for a period of up to 30 days. Inmates have the right to challenge any sanctions. Statistics concerning disciplinary sanctions imposed in correctional and rehabilitation centres in 2015 and 2016 are shown in the table below.

Centre		2015			2016		
		Caution	Solitary	Ban on visits and calls	Caution	Solitary	Ban on visits and calls
Bethlehem	Men	2	4	23	0	26	28
	Women						
	Juveniles						
Janin	Men		78	74	6	49	41
	Women		5	3		3	4
	Juveniles		10	1	3	0	0
Nabulus	Men		145	182		58	167
	Women						
	Juveniles		15	2		5	4
Jericho	Men		38	15	5	40	7
	Women		1	1		1	0
	Juveniles						
Ramallah	Men					42	141
	Women						
	Juveniles						
Hebron	Men		58	39		56	21
	Women						
	Juveniles						
Tulkarm	Men		52	53		44	49
	Women						
	Juveniles					9	

Classification of inmates

227. The classification of inmates is dealt with under articles 24 and 25 of the Correctional and Rehabilitation Centres Act. Male inmates are held separately from female inmates while juveniles are placed in special centres. Inside the facility, inmates of both sexes are classified and distributed in separate sections: detainees, inmates being held in civil cases such as debt and maintenance payments, inmates with no previous convictions and inmates with previous convictions. Inmates facing sentences of death are kept separately and placed under constant supervision.

228. With a view to improving infrastructure, the Department for Correctional and Rehabilitation Centres developed a strategic plan 2014–2016 to build model correctional and rehabilitation structures in a number of governorates. The plan aims to respond to the needs of inmates, improve their living conditions and ensure that each individual has at least four square metres of space within dormitories. It also envisages the expansion of special sections and outside courtyards in new facilities, with areas set aside for services such as gyms, libraries, workshops, etc.

Health services

229. Military medical services, which are part of the military establishment, are responsible for the provision of medical care in correctional and rehabilitation centres. Inmates undergo a full medical examination within 24 hours of being admitted to a facility and before being released, with the results being recorded in their medical file. If the examination reveals any outward signs indicating that the inmate might have been tortured, the doctor complies a detailed medical report on the state of health of the individual concerned, and the director of

the facility is informed so that the necessary legal steps can be taken. If an inmate refuses to submit to a medical exam, the doctor is to record that refusal in the official register.

230. Some correction and rehabilitation centres continue to suffer from a shortage of medical clinics, as well as a lack of permanent doctors or nurses, and most do not have a dentist or a psychiatrist. This means that the prison administration is sometimes forced to take patients to government hospitals.

231. Medical visits and services (by number of inmates referred for treatment) are as follows:

	<i>Centre</i>	<i>Ramallah</i>	<i>Nablus</i>	<i>Bethlehem</i>	<i>Jericho</i>	<i>Janin</i>	<i>Hebron</i>	<i>Tulkarm</i>
2014	Total	3 656	7 764	1 855	4 743	4 966	2 954	2 644
2015	<i>Centre</i>	<i>Ramallah</i>	<i>Nablus</i>	<i>Bethlehem</i>	<i>Jericho</i>	<i>Janin</i>	<i>Hebron</i>	<i>Tulkarm</i>
	Total	3 879	2 805	1 684	5 480	3 627	2 875	3 147
2016	<i>Centre</i>	<i>Ramallah</i>	<i>Nablus</i>	<i>Bethlehem</i>	<i>Jericho</i>	<i>Janin</i>	<i>Hebron</i>	<i>Tulkarm</i>
	Total	3 639	8 566	1 646	6 843	3 745	4 019	2 453
2017	<i>Centre</i>	<i>Ramallah</i>	<i>Nablus</i>	<i>Bethlehem</i>	<i>Jericho</i>	<i>Janin</i>	<i>Hebron</i>	<i>Tulkarm</i>
	Total	4 899	9 493	1 864	6 069	6 607	4 040	2 078

Psychological guidance

232. The department for social welfare and psychological guidance, which is part of the Department for Correctional and Rehabilitation Centres runs specialized programmes to examine the social conditions of inmates and, in cooperation with the Ministry of Social Development and civil society institutions, it gives inmates access to psychiatrists and social workers. If necessary, cases are duly referred to psychiatric hospitals outside the correctional and rehabilitation centres.

233. The following statistics were compiled by the Ministry of the Interior regarding periodic visits by counsellors and social workers to correctional and rehabilitation centres where they provide psychosocial support, hold lectures, run psychological release sessions and social interventions, conduct interviews and perform various other activities.

<i>Centre</i>	<i>2014</i>		<i>2015</i>		<i>2016</i>		<i>2017</i>	
	<i>Entity</i>	<i>No. of visits</i>	<i>Entity</i>	<i>No. of visits</i>	<i>Entity</i>	<i>No. of visits</i>	<i>Entity</i>	<i>No. of visits</i>
Bethlehem	Ministry of Social Development	42	Ministry of Social Development	43	Ministry of Social Development	49	Ministry of Social Development	40
			Treatment and Rehabilitation Centre for Victims of Torture	13	Treatment and Rehabilitation Centre for Victims of Torture	18	Treatment and Rehabilitation Centre for Victims of Torture	42

Centre	2014		2015		2016		2017	
	Entity	No. of visits	Entity	No. of visits	Entity	No. of visits	Entity	No. of visits
Janin	Ministry of Social Development	30	Ministry of Social Development	28	Ministry of Social Development	34	Ministry of Social Development	14
	Defence for Children International		Defence for Children International	28	Defence for Children International		Treatment and Rehabilitation Centre for Victims of Torture	90
Nabulus	Ministry of Social Development	52	Ministry of Social Development	56	Ministry of Social Development	73	Ministry of Social Development	66
	Defence for Children International	3	Defence for Children International				Palestinian Counselling Centre	20
	Centre for Democracy and Conflict Resolution		Centre for Democracy and Conflict Resolution				Defence for Children International	3
Ramallah	Ministry of Social Development	31	Ministry of Social Development	47	Ministry of Social Development	75	Ministry of Social Development	58
	Treatment and Rehabilitation Centre for Victims of Torture		Treatment and Rehabilitation Centre for Victims of Torture	38	Treatment and Rehabilitation Centre for Victims of Torture		Treatment and Rehabilitation Centre for Victims of Torture	70
	Defence for Children International		Defence for Children International	6				
Jericho	Ministry of Social Development	39	Ministry of Social Development	25	Ministry of Social Development	40	Ministry of Social Development	38
	Treatment and Rehabilitation Centre for Victims of Torture		Treatment and Rehabilitation Centre for Victims of Torture		Treatment and Rehabilitation Centre for Victims of Torture		Treatment and Rehabilitation Centre for Victims of Torture	71
	Defence for Children International		Defence for Children International		Defence for Children International		Defence for Children International	
Hebron	Ministry of Social Development	7	Ministry of Social Development	19	Ministry of Social Development	13	Ministry of Social Development	9
	Treatment and Rehabilitation Centre for Victims of Torture		Treatment and Rehabilitation Centre for Victims of Torture	23	Treatment and Rehabilitation Centre for Victims of Torture		Treatment and Rehabilitation Centre for Victims of Torture	33

Centre	2014		2015		2016		2017	
	Entity	No. of visits	Entity	No. of visits	Entity	No. of visits	Entity	No. of visits
Tulkarm	Ministry of Social Development	31	Ministry of Social Development	36	Ministry of Social Development	31	Ministry of Social Development	30
	Defence for Children International		Defence for Children International		Defence for Children International		Defence for Children International	2

Rehabilitation

234. Working with the competent ministries, the Department for Correctional and Rehabilitation Centres is preparing rehabilitative plans and programmes to improve conditions for inmates and to raise their levels of education and culture. To that end, it also runs literacy courses. The table below shows the number of adult inmates who have received education in correctional and rehabilitation centres run by the Directorate General of Police.

Programme	Literacy	Parallel education (intermediary level)	General secondary
2015	73	25	22
2016	64	23	5
2017	36	17	12

235. Article 41 of the Correctional and Rehabilitation Centres Act stipulates that inmates are to acquire a vocation or skill and to be given vocational training while serving their sentence in order to help them earn a living following their release. In fact, the Department for Correctional and Rehabilitation Centres provides many inmates with training in areas such as food preparation, shoemaking, photography, design, hairdressing, embroidery and other skills. In 2015, a total of 97 inmates in different centres benefited from these training programmes, and 69 in 2016.

Homes for older persons

236. The “Beit al-Ajdad” centre, administered by the Ministry of Social Development, is the only government-run centre of its kind. It provides care and protection for older persons who have no one to look after them and it provides basic life services and health care in an appropriate psychosocial and environmental setting. The Ministry of Social Development has developed a national strategic plan for the care of older persons 2016–2020.

Palestinian prisoners in the jails of the Israeli occupation

237. The Israel Prison Service continues to strip Palestinian prisoners and detainees of their fundamental rights, with hundreds of them still denied the right to receive family visits and the right to education and health. Moreover, they are subjected to various forms of torture and to practices that constitute a violation of the right to humane treatment, such as being transferred from one prison to another or to the courts on long journeys in conditions that give rise to suffering and pain in a vehicle known as the “bosta”.

238. From 1967 to July 2019, a total of 220 Palestinian prisoners died in the prisons of the Israeli occupiers. Of that number, 75 were murdered, 7 were shot inside prisons, 65 died as a result of deliberate medical negligence (a form of torture and maltreatment that is practised broadly and systematically by Israel against Palestinian prisoners) while 73 died under direct torture.

239. In 2018, more than 1,800 prisoners in Israeli prisons, or about a quarter of the total, were ill. This included at least 26 who were suffering from cancer and at least 80 with some kind of disability (physical, psychological or sensory). Others were suffering from serious

and chronic conditions or from gunshot wounds inflicted by the occupiers. All these individuals are experiencing wretched conditions as a consequence of deliberate medical neglect, severe torture, ill-treatment and inattention, all of which serves to worsen their state of health.

240. Palestinian female prisoners in the jails of the Israeli occupation also suffer difficult health conditions as a consequence of the policy of medical negligence. This includes being denied medication or being given out-of-date medicines, as well as being deprived of necessary surgical procedures. They lack access to gynaecological care, which is especially problematic for those who were pregnant when detained. They are forced to give birth with their hands bound, regardless of the pain they endure in labour and childbirth.

241. Arbitrary solitary confinement is one of the harshest random punishments inflicted against Palestinian detainees by administrators of the jails of the Israeli occupation. The individual concerned is detained alone for long periods in a cramped, dark and dirty cell that lacks the minimum requirements for a humane and dignified life, giving rise to serious health complications.

Article 11

242. Enforcement Act No. 23 of 2005 regulates the procedures surrounding the settlement and implementation of court rulings concerning financial obligations, including contractual debts. Under articles 155 and 156 of the Act, debtors – once they have been duly informed – must refer to the enforcement department to propose a settlement for the debt they have been ordered to pay, in a manner that is consistent with their financial capacities. If debtors fail to propose an appropriate settlement, the enforcing judge can – as a last resort and at the request of the creditors – order the imprisonment of debtors in the following cases: if the debtors refuse or neglect to pay their debt even though they possess sufficient assets to do so; if the debtors have surrendered part of their assets to a third party or concealed them in order to prevent the creditors from receiving their due; or if it is apparent that the debtors intend to flee without settling the debt they have been ordered to pay.

243. The judge can order imprisonment for a term of not more than 91 days a year, in a single case of unpaid debt, and the term of imprisonment may not exceed 21 days if the sum in question is no greater than 500 Jordanian dinars. The order of imprisonment is revoked and the party concerned is released immediately once a settlement has been agreed or the debt has been settled. No order of imprisonment may be issued in cases of debts between spouses, antecedents and descendants, or persons with mental disorders.

Article 12

244. The Palestinian Nakbah of 1948 was a tremendous tragedy for the Palestinian people, a process of ethnic cleansing during which the Palestinian people suffered destruction and were expelled from their land to be replaced by others. Of the 1.4 million Palestinians who were living in historic Palestine in 1948, 800,000 were then driven from their villages and towns. According to UNRWA records, the number of registered Palestine refugees in 2018 was around 6 million; i.e., nearly half of all the Palestinians in the world.

245. In 1948 the United Nations adopted resolution 194, which affirmed the right of Palestinians displaced from their homes to return as soon as possible. However, in the face of United Nations resolutions and recommendations, Israel, the occupying power, violates Palestinians' right of return while, at the same time the racist Israeli Law of Return allows any Jew of any nationality to enter, live and settle.

246. During the war of 1967, Israel, the occupying power, invaded the rest of the Palestinian territory, forcibly displacing and deporting more than 200,000 Palestinians from their homeland.

247. Following the occupation of Palestinian territory in 1967, an identity card system was introduced under a military order issued by the Israeli occupiers. Under the system, all Palestinians then in the West Bank, including Jerusalem, and in the Gaza Strip, were required

to obtain an identity card issued by Israel, the occupying power, as a condition for so-called “permanent residence”. In addition, the Israeli occupation authorities conducted a census of Palestinians to establish a new register of residents of the Occupied Palestinian Territory.

248. Israel, the occupying power, then imposed identity cards on the Palestinians who had been registered in that census, with distinct and discriminatory cards for each area: blue for Jerusalem, orange for the West Bank, red for the Gaza Strip. No Palestinian who was not present in the Occupied Palestinian Territory at the time was registered in this census, irrespective of whether the absence was a result of displacement or for any other reason. The occupiers do not recognize Palestinians who were not registered in the census, considering them to have lost their identity and their right to “reside” in their homeland.

249. Subsequently, the authorities of the Israeli military occupation imposed arbitrary decrees, procedures and conditions that have led to thousands of Palestinians having their identity cards withdrawn, thereby losing their status as “resident”. And in order to have the cards restored, they have to go through a complex process the outcome of which, in most cases, was negative.

250. Israel, the occupying power, through its control of the “population register”, monopolizes the residence files and the issuance of identity cards and permits so that no Palestinian passport can be issued unless linked to an identity card number in the register.

251. The consequence of all these colonialist policies, military decrees and arbitrary procedures has been to deprive hundreds of thousands of Palestinians of entry and residence in their own homeland.

Jerusalemites in their occupied city

252. Israel, the occupying power, distinguishes between Israelis and Palestinians in matters of citizenship, residence and civil status issues generally. Indeed, while Israelis receive full rights of permanent residence in occupied Jerusalem – a city that has been forcibly annexed in violation of international law – the Israeli occupiers force Palestinians, the original owners of the land, to carry permanent “residence” cards issued by the occupying authorities.

253. Palestinians can easily lose their right to return to Jerusalem if their “residence” is cancelled. In fact, under the guidelines of the occupying power, Palestinian Jerusalemites lose their right to “residence” if they reside in a foreign country for seven years, if they obtain residency in a foreign country or if they acquire a foreign nationality. Moreover, they lose their rights in any case if they are unable to prove that Jerusalem is their “centre of life”. Since 1967, the right of “residence” has been withdrawn from more than 14,500 Palestinians as part of what is clearly a discriminatory policy aimed at emptying occupied Jerusalem of its Palestinian population, forcibly deporting them and altering the city’s demographic character. Moreover, since 2003, the authorities of the Israeli occupation have placed a freeze on applications for family reunification, meaning that Palestinians in occupied Jerusalem or within the Green Line are forced to apply for reunification for their Palestinian husbands/wives in the West Bank or the Gaza Strip.

254. Israel, the occupying power, controls all Palestinian crossing points as well as land borders, airspace and territorial waters. It imposes restrictions on foreign trade and the movement of goods, and it restricts and hinders access to agricultural land and fishing zones. It also places harsh restrictions on the movement of Palestinians, not allowing them to travel without prior Israeli authorization as the West Bank, Jerusalem and the Gaza Strip remain separated.

255. The racist wall of annexation and expansion that was built by Israel, the occupying power, on occupied Palestinian land is one of the main bulwarks of the colonialist system of occupation, as well as being a blatant violation of international law, of the advisory opinion of the International Court of Justice and of Palestinians’ right of movement. Indeed, 80 per cent of the wall lies inside the borders of the West Bank in such a way as to fragment Palestinian territory even further. The wall of annexation and expansion has isolated more than 12 per cent of the area of the West Bank and has led to the imposition of restrictions on around 1.9 million people who live in areas near the structure and/or colonies. Palestinians

thus isolated require a permit just to leave or return to their homes for purposes of work, study, medical treatment or accessing their farmland.

256. Israel, the occupying power, has instituted a system whereby it uses discriminatory permits to restrict movement, which it imposes on the basis of addresses on identity cards. Palestinians need Israeli permits to travel to and enter certain areas of the Occupied Palestinian Territory, such as occupied Jerusalem and the buffer zones between the wall and the Green Line, as well as travel permits to move between the West Bank and the Gaza Strip. The fact is, moreover, that the process of obtaining such permits is complex and almost impossible.

257. Israel, the occupying power, has severed the connecting tissue of Palestinian territory via a complex network of military checkpoints reinforced by military deployments across the West Bank. It has blocked access to main roads with a series of reinforced checkpoints made up of concrete blocks and steel doors. Between November 2014 and November 2016, OHCHR counted around 85 fixed checkpoints in the West Bank.

258. The Karamah crossing is the only crossing point from the West Bank abroad. Since 1967 – under flimsy security-related pretexts and without a court order – tens of thousands of Palestinians have been arbitrarily denied the right to travel. Between 2014 and 2017, a total of 8,874 people were turned back from crossing points and prevented from travelling by the Israeli occupation authorities, while in 2015, 83,895 persons were prohibited from travelling under a prior decree issued by the occupying power, according to statistics from the Authority for Civil Affairs.

259. By imposing an illegal blockade on the Gaza Strip since 2007, Israel, the occupying power, is implementing a policy of collective punishment against 2 million Palestinians. The blockade has made it almost impossible to leave the Gaza Strip as exit permits are rejected even when presented on medical or humanitarian grounds. The occupying authorities also restrict access to Gaza by land and sea thereby hindering access to fundamental life necessities and exacerbating poverty and unemployment.

260. The Israeli attack against the Gaza Strip in 2014 led to the forced displacement of 65,000 persons. In addition to this, the Israeli policy of arbitrary administrative demolition of Palestinian homes constitutes one of the most important tools of indirect forced displacement. Since 2009, the Government of the Israeli occupation has doubled the use of its policy of destroying homes and facilities, as a means of collective punishment. In that connection, as of March 2019, 5,884 Palestinian homes and facilities in the West Bank, including Jerusalem, had been destroyed displacing 9,210 Palestinians and affecting the lives of a further 71,672.

261. Israel, the occupying power, has denied United Nations special rapporteurs entry into the Occupied Palestinian Territory, in contravention of the relevant recommendations of the Human Rights Council. In addition, the Israeli occupation authorities have a policy of curbing the international presence and limiting the ingress of foreigners and of staff of international organizations, while those who come from abroad to express their solidarity are arrested and deported from the Occupied Palestinian Territory.

Right of movement under Palestinian legislation

262. Article 20 of the amended Basic Law stipulates: “Freedom of residence and movement is guaranteed within the limits of the law.” Under article 11, no prohibition may be placed upon freedom of movement except by court order, in accordance with the law, while article 28 reads: “No Palestinian may be expelled from the homeland, prevented from returning or leaving, stripped of nationality or handed over to any foreign entity.”

263. The law places certain conditions upon the issuance of travel bans whereby the courts can issue travel bans in accordance with article 277 of the Code of Civil and Commercial Procedure if they are satisfied that a defendant intends to travel – without providing a financial surety – in order to evade a financial obligation.

264. According to article 11 of the General Intelligence Service Act, the head of the Service can ask the Public Prosecutor to issue a ban to prevent a foreigner from entering or leaving the country, or to prevent a citizen from travelling, for reasons related to national security.

Such decrees are subject to review by the Supreme Court of Justice. For example, in Case No. 234/2017 the Court overturned a decision by the Office of the Public Prosecution to prevent a citizen from travelling on the grounds that prosecutors did not provide the Court with any evidence, information or court order that explained why the ban had been applied. The Court thus upheld the provisions of the amended Basic Law.

265. Any citizen with an identity card number, irrespective of age, is entitled to a Palestinian passport valid for five years. If all supporting documentation is provided, the issuance of a regular passport takes one day. Information relating to the processing of passport applications, based on data from the Ministry of the Interior, is shown in the following table.

<i>Year</i>	<i>Applications processed</i>
2015	231 505
2016	246 949
2017 (up to April)	82 920

Article 13

266. As indicated above, as a consequence of the policies they pursue and their control over all crossing points, it is the authorities of the Israeli occupation who control entry, exit and deportation to and from the Occupied Palestinian Territory and thereby prevent the State of Palestine from accomplishing its duty to grant humanitarian or political asylum. The control it exercises also opens the way for Israel to practice forced deportation against foreigners.

Article 14

The judiciary

267. Article 97 of the Basic Law, as amended, stipulates: “Judicial authority is independent and is exercised by courts of different kinds and levels. The law determines how courts are to be formed and their jurisdiction, and they issue their rulings in accordance with the law. Sentences are pronounced and enforced in the name of the Palestinian Arab people.” Article 98 of the Basic Law reads: “Judges are independent and, in their administration of justice, are subject to no authority other than that of the law. No one may interfere with the administration of justice.”

268. The 2002 Judiciary Act regulates the appointment and employment of judicial personnel while the Supreme Court has the jurisdiction to consider any objections related to administrative matters affecting judges. For its part, article 16 of the Act states that, in order to exercise judicial authority, a person must possess full legal competence, hold a diploma in statutory or sharia law, not have been convicted for a breach of honour or trust, be of sound character and good reputation and terminate membership of any political party or political organization.

269. According to articles 47–55 of the same Act, the president of each court is to supervise the judges who work there, a task that also involves alerting them to any violations they might commit. If the violations persist, the Public Prosecutor can bring disciplinary proceedings before the Disciplinary Board, which is made up of the two most senior judges of the Supreme Court and the most senior judge of the Court of Appeal. If the Board is of the view that the proceedings need to be pursued, the offending judge is summoned to appear and is informed of the subject matter of the case and the evidence. The trial is conducted in camera unless the judge in question requests that it be held in public, and a decision is rendered after having heard the case for the prosecution and the judge’s own defence. The penalties at the Board’s disposal are a caution, a censure or dismissal. A ruling for dismissal does not affect the judge’s remuneration rights.

270. The work of lawyers is regulated by Act No. 3 of 1999 concerning the legal profession, which sets forth the conditions for registration in the register of lawyers practising statutory law. The Act also envisages the formation of the Bar Association and defines its objectives, membership conditions, the rights and duties of lawyers registered with the Association, regulations for the training of lawyers, disciplinary boards and the financial affairs of the Association.

The courts

271. The Palestinian judiciary is divided as follows: (a) The regular judiciary, which includes the various levels of criminal court (magistrates' courts, courts of first instance, appeal and cassation) and of civil court (magistrates' courts, courts of first instance, appeal and cassation); (b) Sharia courts (sharia and religious courts); (c) The Supreme Constitutional Court; (d) Special courts; (e) Military courts.

Special courts

272. The law provides for the possibility of creating specialized courts. These include electoral appeals courts; municipal courts; income tax appeal courts; first instance courts dealing with matters relating to customs and excise and anti-corruption courts.

Military courts

273. Under article 101 (2) of the amended Basic Law, military courts are to be established under special laws and have no mandate or jurisdiction beyond military matters. The military judiciary is an independent body that enforces the law against members of the Palestinian security forces who have committed offences. The structure of the system of military tribunals and their areas of jurisdiction are set forth in articles 119–123 of the Revolutionary Code of Criminal Procedure, which provide for a central military tribunal, a standing military tribunal, a military court of appeal, a special military tribunal and a military field court.

Customary courts

274. Article 114 of the amended Basic Law repealed all provisions then in force to govern states of emergency. As a consequence, there are no customary courts in the State of Palestine.

Religious courts

275. Under article 101 (1) of the amended Basic Law, sharia and religious courts deal with matters related to personal status. There are sharia courts for Muslims with three different levels: courts of first instance, appeal courts and the Supreme Sharia Court, the latter dealing exclusively with questions relating to the interpretation of the law. There are also ecclesiastical courts for Christians, which deal with personal status matters in accordance with the relevant laws of Christian religious communities.

Fair trial guarantees

276. Palestinian legislation – first and foremost the Declaration of Independence – envisages equality and non-discrimination under a constitution that guarantees the rule of law and an independent judiciary. In addition, the amended Basic Law, the Code of Criminal Procedure and the Judiciary Act all contain basic principles intended to ensure respect for fair trial standards. The most important of these are the right of recourse to a “natural judge”; the presumption of innocence; the right of arrested or detained persons to be promptly informed of the reasons for their arrest; the right to legal aid; the right to be tried before an independent, neutral and competent court; and the right to public trial and sentencing in criminal, civil and commercial courts, unless the court decides to hold proceedings in camera.

Legal aid

277. Article 14 of the amended Basic Law states: “Accused persons are innocent until proven guilty at a legal trial during which they have enjoyed the guarantees necessary for their defence. Persons accused of a major offence must have a lawyer to defend them.”

278. Legislators have taken action to ensure that accused persons are able to contact their lawyers at every stage of the trial. In that connection, articles 244–245 of the Code of Criminal Procedure state that, if an accused person does not appoint a defence lawyer the court shall, at its own expense, do so on that person's behalf.

279. A bill has been drafted for a legal aid fund, the purpose of which is to ensure that all categories of person have access to legal remedies. Under the bill, when questioning a person accused of a major offence or of a crime that attracts a term of imprisonment of more than 1 year, the Office of the Public Prosecution or the competent court must appoint a lawyer from the list of lawyers held by the fund, to represent and defend that accused person according to law.

Interpreters

280. The right of accused persons to avail themselves of the services of an interpreter during questioning and trial is enshrined in article 264 of the Code of Criminal Procedure as a supplementary right to the right to defence. Indeed, questioning takes place in Arabic and if any of the accused persons and/or witnesses do not speak that language, the president of the court is to appoint a licensed interpreter.

281. The appointment of a sign-language interpreter is regulated under articles 267 and 268, according to which, if the accused is a person with mutism or a person who is deaf or unable to write, the president of the court is to appoint an interpreter who is accustomed to addressing the accused person or persons with a similar condition, either by signs or by other technical means. However, if the accused is able to write, the court clerk is to transcribe the questions and comments and to show them to the accused who will then respond in writing. The clerk then reads out the replies before the court.

Trial without delay

282. Article 12 of the amended Basic Law stipulates that anyone who has been arrested or detained is to be brought to trial without delay. The time limits for completing the investigation and referring the accused before a competent court are set forth in the Code of Criminal Procedure.

Trials in absentia

283. According to article 291 of the Code of Criminal Procedure, a court can decide to try an accused person in absentia if that person fails to hand himself in once he has been duly informed and the period of grace has been published in the Official Gazette. Accused persons are not allowed to appoint a representative for a trial in absentia. According to article 296 of the Code, if the accused hands himself in or is arrested before the penalty handed down expires under the statute of limitations, the sentence and all the other proceedings are annulled as a matter of course and a retrial is held in accordance with normal procedures. Challenges against sentences handed down in absentia are addressed in articles 314–322 of the Code as one way to appeal against sentences. Persons convicted in absentia for less serious offences and misdemeanours can challenge the sentence within 10 days of being informed thereof. Challenges from civil claimants are not admitted.

Evidence and witnesses

284. Provisions relating to evidence are contained in articles 205–236 of the Code of Criminal Procedure. Evidence in criminal proceedings can be established using all means of proof, unless the law states that specific means must be used. If the evidence does not indict the accused or is insufficient for a conviction, the court is to hand down an acquittal. Any sentence can be based only on evidence that was presented during the trial and that was discussed during the proceedings, publicly and in the presence of the parties concerned. During the course of proceedings the court can – either at the request of the parties or on its own initiative – order the submission of any evidence it deems necessary to clarify the truth. The court may hear testimony from persons who spontaneously present themselves to provide information in the case.

285. Under article 77 of the Code of Criminal Procedure, prosecutors or investigators may summon anyone whom they believe can give testimony that might uncover the truth, irrespective of whether or not the names of such persons appear in the reports or complaints. They may also hear testimony from persons who present themselves spontaneously.

Review by higher judicial bodies

286. Criminal cases are tried at two levels. Courts of the first level are magistrates' courts and courts of first instance. Courts of the second level are the courts of appeal and courts of first instance sitting as courts of appeal. The Court of Cassation deals with legal questions and not with the subject matter of cases; i.e., it does not consider the factual basis of disputes but examines appeals relating to the application of the law.

Compensation

287. Article 30 (3) of the amended Basic Law regulates the question of compensation for judicial error. Article 387 of the Code of Criminal Procedure states that a person acquitted following a retrial has the right to claim compensation from the State for damages arising from the earlier sentence. Moreover, the State may take back compensation paid out to civil claimants, informants or false witness who occasioned the original sentence.

Policies

288. At the policy level, a strategic plan for the justice sector and rule of law has been adopted for the period 2017–2022. It aims to establish a legally structured justice system that operates efficiently and effectively to ensure fair trials, as well as justice-sector institutions that operate within an integrated institutional and regulatory framework.

289. A presidential decree was issued in September 2017 for the creation of a “national committee for the development of the justice sector and the judiciary”. The tasks of the committee include reviewing the system of judicial legislation and producing a comprehensive vision for the advancement of the justice sector and the judiciary. In addition, the Ministry of Justice is making efforts to amend the Judiciary Act, also with a view to the advancement of the judiciary, particularly vis-à-vis the problem of lengthy legal proceedings.

290. On 15 July 2019 – in accordance with recommendations made by the “national committee for the development of the justice sector and the judiciary” – the President of the State of Palestine issued two Decree-Laws. The first envisaged the dissolution of the Supreme Judicial Council and the formation of a transitional supreme judicial council for a period of one year tasked with establishing courts of different levels, regulating justice, drafting bills to reform the judiciary and restore public trust, promoting opportunities for accessing justice and cutting the length of legal proceedings, then re-establishing the Supreme Judicial Council in accordance with the law. The other Decree-Law amended the Judiciary Act No. 1 of 2002 so as to reduce the retirement age for judges to 60.

291. The State of Palestine ratified the Riyadh Arab Agreement on Judicial Cooperation in 1983. Under that treaty, citizens of States parties, each within its own borders, have the right to bring legal action before judicial bodies in order to demand their rights, and they have the right to legal aid.

Indicators relating to the work of regular courts in 2017, according to the Supreme Judicial Council

		2017	2016	2015	2014
Magistrates' courts	Total number of civil and criminal cases received and processed, excepting traffic violations	86 655	81 734	85 100	84 585
	Civil and criminal cases in which judgment was rendered, as a percentage of all cases processed	59%	62%	65%	60%

<i>Indicators relating to the work of regular courts in 2017, according to the Supreme Judicial Council</i>		<i>2017</i>	<i>2016</i>	<i>2015</i>	<i>2014</i>
Courts of first instance	Total number of rights-related and criminal cases received and processed	22 607	20 986	20 195	18 217
	Rights-related and criminal cases in which judgment was rendered, as a percentage of all such cases processed	32%	32%	34%	31%
Courts of first instance sitting as courts of appeal	Total number of rights-related and criminal cases received and processed	8 762	9 173	9 320	5 984
	Rights-related and criminal cases in which judgment was rendered, as a percentage of all such cases processed	67%	67%	65%	52%
Court of Appeal of Ramallah	Total number of cases received and processed (appeals concerning penalties, rights, enforcement)	7 180	6 455	7 759	6 818
	Cases in which judgment was rendered, as a percentage of all cases received and processed (appeals concerning penalties, rights, enforcement)	76%	72%	75%	78%
Court of Appeal of Jerusalem	Total number of cases received and processed (appeals concerning penalties, rights, enforcement)	4 263	3 687	2 915	2 273
	Cases in which judgment was rendered, as a percentage of all cases received and processed (appeals concerning penalties, rights, enforcement)	77%	75%	80%	85%
Court of Cassation	Total number of cases received and processed (appeals concerning rights, penalties)	5 426	4 405	3 475	2 651
	Cases in which judgment was rendered, as a percentage of all cases received and processed (appeals concerning rights, penalties)	33%	34%	33%	41%
Supreme Court of Justice	Total number of cases received and processed	485	543	524	616
	Cases in which judgment was rendered, as a percentage of all cases processed	58%	59%	57%	55%
Supreme Court	Total number of cases received and processed	56	54	38	40
	Cases in which judgment was rendered, as a percentage of all cases processed	25%	13%	5%	40%
Juvenile courts	Total number of cases received and processed	723	607	-	-
	Cases in which judgment was rendered, as a percentage of all cases processed	47%	41%	-	-

Obstacles placed by the Israeli occupiers on the right to take legal action

292. Israel, the occupying power, enacts military laws and orders that prevent court rulings from being implemented, or even issued. These include Military Order No. 1060 under which Palestinian courts have no jurisdiction to consider land ownership claims in relation to disputes with Israeli colonists. In other words, the courts have no mandate to consider

objections from Palestinians related to land ownership when a decision has been made to confiscate their land. Moreover, the occupiers' control over the roads and the hindrance of movement constitute obstacles to accessing the courts and to enforcing judicial decisions and rulings.

Israeli military courts

293. The Israeli military courts are an integral part of the colonialist system and of the persecution of the Palestinian people. Such courts have been established by military order ever since the beginning of the occupation, and the judges and prosecutors who operate in them are all part of the Israeli military. These courts exist illegally within the occupying State, a situation that has persisted for more than 40 years and that has turned the prosecution of civilians before military tribunals from an exception to a permanent state of affairs. The proportion of cases examined by Israeli military courts in the occupied West Bank, wherein convictions are handed down against Palestinians stands at between 95 and 99 per cent.

294. Palestinian detainees can be held in Israeli prisons for 90 days without charge, and that period can be extended. The vast majority of Palestinian detainees are held in prisons outside the Occupied Palestinian Territory where they are often subjected to torture and degrading treatment in order to extract confessions. In addition, the authorities of the Israeli occupation place obstacles that hinder contact between detainees and their lawyers while, using the pretext of "confidential cases", the military courts can consider charges against detainees without allowing them or their legal representatives to examine them. Thus, having been informed about a case by the military prosecutor, the court decides on the legality of detention and whether it is to be extended or revoked. Moreover, trial proceedings are conducted in Hebrew, a language that the Palestinians do not know. Court documents are also in Hebrew, including those that accused persons are compelled to sign during their detention. The rulings of military courts cannot be challenged or appealed in other courts that are outside the system of military occupation.

Article 15

295. The principle of the non-retroactive nature of laws is enshrined in article 15 of the amended Basic Law, which reads: "Punishment is personal and collective punishment is forbidden. There can be no crime and no punishment except as determined by law. Penalties are to be imposed only by court order and can apply only to actions committed after the entry into force of the law." The non-retroactive nature of laws is also upheld in current criminal legislation under which no penalty can be handed down that was not envisaged in the law at the time the offence was committed, with the proviso that the law more favourable to the accused person is the one that should be applied, if that more favourable law came into force before a definitive sentence was handed down.

Article 16

296. An individual acquires legal personality (legal standing) as an embryo, even before birth, and that personality persists throughout a person's life, until death. Article 17 of the Palestinian Children's Code (Act No. 7 of 2004), as amended, states: "All children have the right to respect for their legal personality."

297. As concerns legal agency, article 943 of the Compendium of Legal Judgements of A.H. 1293 states: "A minor incapable of discernment is one who does not understand sale and purchase; i.e., does not understand that they represent, respectively, a surrender and a gain of property, and who does not recognize immoderate and flagrant fraud." It should be noted that females possess legal capacity on an equal footing with males.

298. Civil, criminal and administrative laws do not distinguish between the testimony of a woman and of a man or give a different weight to one or the other. Cases where testimony is accepted or heard by way of consultation or where legal agency is denied are one and the same for men and for women. However, in the sharia courts, and as concerns contracts of marriage, the testimony of one man is equivalent to that of two women.

299. As concerns financial arrangements between spouses, a system of separation of assets is applied under which each spouse keeps what they own and what they earn during their life together and each retains the right to keep, administer and dispose of their assets independently without having to seek the consent or approval of the other. The wife keeps her original family name and uses it in all official transactions.

300. The procedures and documents required to report a birth and record it in the official register are detailed in Civil Status Act No. 2 of 1999, be it for citizens, foreigners or children of unknown parents. A foetus retains the right to its share of inheritance even before birth and, if a live birth follows, the infant is entitled to the share of the inheritance acquired as a foetus. Palestinians in occupied Jerusalem who wish to record their children in the population register and obtain birth certificates face the arbitrary and complex procedures imposed by the occupation authorities.

301. According to article 43 of the Civil Status Act, a Palestinian who can show that one parent is Palestinian may, at the age of 16, obtain an identity card. However, the occupying authorities, which control the population register system, arbitrarily deny many Palestinians an identity card even if they reside within the Occupied Palestinian Territory.

302. The Ministry of the Interior and the Ministry of Health are working on an automated programme for registering births and deaths, via links with hospitals. Under the programme, the hospitals automatically communicate such events to the population register so that birth and death certificates can be issued. The Bureau of the Chief Qadi is also involved, for the recording of marriages and divorces. The programme uses identification codes for different geographical divisions, which are then linked to the registers; however, the latter are under the control of the Israeli occupiers and this hinders the implementation of the programme.

Article 17

303. Article 17 of the amended Basic Law states that homes are sacrosanct and may not be monitored, entered or searched other than under a duly reasoned court order issued in accordance with the law. Any actions taken in violation of those provisions are invalid and anyone who suffers harm as a consequence thereof is entitled to fair compensation.

304. Article 181 (1) of the 1960 Criminal Code stipulates: "Any official who, acting in that capacity, enters a person's home or any annexes of that home in a manner other than as allowed by law is liable to a term of imprisonment of between 3 months and 3 years and to payment of a fine of between 20 and 100 dinars."

305. Procedures regulating searches are set forth in articles 39 to 52 of the Code of Criminal Procedure. According to those provisions, homes may be entered and searched only as part of an investigation, under a warrant issued by the Office of the Public Prosecution or in the presence of a representative from the Office, and on the basis of charges that a person dwelling in the home that is to be searched has committed or was involved in committing a crime, or if there is a strong indication that the person possesses objects relating to the crime. The search warrant – duly reasoned – must be drawn up by a law enforcement official.

306. According to those provisions of the Code of Criminal Procedure, it is possible to enter without a warrant only in exceptional cases: requests for assistance from within, such as in fire or flood, cases of flagrante delicto and cases where a suspect is being pursued.

307. As concerns the privacy and confidentiality of correspondence, communications and personal information, article 4 of Cable and Wireless Communications Act No. 3 of 1996 underscores the need to protect the privacy and confidentiality of communications on Palestinian territory, which cannot be violated save by the public authorities, in exceptional cases and within the limits of the law.

308. Article 356 of the 1960 Criminal Code criminalizes abuse of authority on the part of officials of the postal or telephone service. This includes examining, destroying or misappropriating correspondence or revealing its contents to anyone other than the addressee, offenders being liable to imprisonment or a fine. In an exception to that provision, the Code of Criminal Procedure gives the Public Prosecutor or his deputies the power to seize letters,

parcels and the like when they are associated with a crime or the perpetrator of a crime. In addition, and also exceptionally, a magistrate can authorize the interception and recording of cable and wireless communications when such is necessary to uncover the truth behind a crime that attracts a term of imprisonment of not less than 1 year (art. 51).

309. On 6 May 2019, the Council of Ministers issued Decree No. 3 concerning the personal data of citizens. Under the Decree, providers of Internet and communications services are forbidden from using, directly or indirectly, subscribers' personal data for commercial purposes, without prior permission from the persons concerned.

310. Israel, the occupying power, arbitrarily seizes correspondence and parcels entering and leaving the State of Palestine. This leads to delays in the dispatch and receipt of those items and violates Palestinians' right to privacy, as private correspondence and parcels are broken open and their contents perused. In 2010 Israel, the occupying power, arbitrarily detained more than 10 tons of postal correspondence and parcels. Most of these were emptied of their contents or arbitrarily destroyed before finally being released in 2018, after having been withheld for eight years.

311. According to annual compilations of complaints, which are produced by the Council of Ministers, there were 105 complaints concerning violations of the sanctity of private life in 2014. In 2015, there were 89 such complaints of which 85 were addressed; there were 312 such complaints in 2016 of which 256 were addressed; and there were 123 complaints in 2017.

312. With regard to the storage of personal information, the Directorate for Civil Status is responsible for keeping records on natural, personal and family details. Such records are confidential and, other than by the persons concerned, can be accessed only exceptionally and under a court order. In addition, alterations or corrections can be made to personal status records only under a definitive ruling handed down by a competent court, with the exception of those concerning nationality, religion or profession and certain civil status entries such as marriage or divorce.

313. Articles 358 to 367 of the 1960 Criminal Code cover the offences of slander, defamation and denigration. A case can be brought against a person responsible for slander, defamation or denigration only on the basis of a complaint of the injured party or that party's heirs. Injured parties may also accompany their complaint with a request for compensation for any material or moral harm suffered. The same matter is addressed in articles 201–209 of the Mandate-era Criminal Code.

314. Decree-Law No. 16 of 2017 regarding cybercrime met with great protest and criticism as a consequence of which it underwent wide public debate with the involvement of representatives of civil society. In the wake of those community discussions, the original Decree-Law was replaced with Decree-Law No. 10 of 2018 regarding cybercrime, which takes account of the right of individuals to the confidentiality of their electronic data. Article 22 of the Decree-Law prohibits the arbitrary or unlawful interference in the privacy of any person or in the affairs of that person's family, home or correspondence. The Decree-Law allows the Office of the Public Prosecution or the competent court – exceptionally and only for the purposes of uncovering the truth and achieving justice – to get a subscriber's electronic data from an Internet service provider, all procedures being governed by legal conditions set forth in the Code of Criminal Procedure.

Article 18

315. Palestine is the cradle of the Abrahamic religions and the location of the holy sites. The preservation of religious belief, as well as equality and non-discrimination on religious grounds, are enshrined in the Declaration of Independence as being integral to the fulfilment of the Palestinian spiritual and cultural heritage of tolerance and coexistence down the centuries.

316. Article 18 of the amended Basic Law reads: "Freedom of belief, worship and the practice of religious rites are guaranteed, provided they do not impinge upon public order or

public morals.” Under article 4 (1) of the Basic Law, Islam is the official religion of the State of Palestine while the sanctity of other Abrahamic religions is to be respected.

317. Under the heading “Crimes affecting religion and the sanctity of the dead”, articles 273–278 of the Criminal Code (Act No. 16 of 1960) envisage imprisonment or a fine for anyone who publicly insults the prophets, who destroys or defiles a place of worship, a slogan or anything else that a group of persons hold to be sacred, thereby intending to denigrate a religion followed by any group of persons, or who without cause or legitimate excuse interferes with religious rites or insults the religious feelings or beliefs of others.

318. Under the heading “Offences relating to religion and public monuments”, articles 146–150 of the Mandate-era Criminal Code (Act No. 74 of 1936) state that anyone who destroys, damages or defiles any place of worship or any object which is held sacred by any class of persons, or who wilfully disturbs any meeting of persons assembled for religious worship, or who commits any trespass in any place of worship, or who wounds the religious feelings of any person, or who destroys any religious monument, is guilty of a misdemeanour.

319. The different religious communities independently regulate their own spiritual affairs, practise religious rites and organize personal status matters in accordance with the personal status laws applicable to each community.

320. The Samaritan community lives in Mount Gerizim in Nablus and it owns synagogues where members of the community can practise their religious rites and beliefs, one inside the old Samaritan quarter in the city of Nablus and another in the centre of the Samaritan quarter on Mount Gerizim.

321. Churches accredited by the State of Palestine were granted official recognition under a presidential decree of 2008. They are: the Greek Orthodox Patriarchate, the Latin Patriarchate, the Armenian Orthodox Patriarchate, the Custody of the Holy Land, the Coptic Orthodox Patriarchate of Jerusalem, the Syriac Orthodox Patriarchate, the Ethiopian Orthodox Patriarchate, the Maronite Patriarchal Exarchate of Jerusalem and Palestine, the Melkite Greek Catholic Patriarchate, the Evangelical Lutheran Church in Jordan and the Holy Land, the Episcopal Church in Jerusalem and the Middle East, the Syriac Catholic Patriarchal Exarchate and the Armenian Catholic Patriarchal Exarchate.

322. With a view to alleviating the financial burdens on churches and their property, Decree-Law No. 9 of 2014 was enacted under which recognized Christian communities are exempted from certain taxes and fees. Under article 2 of the Decree-Law, transactions undertaken, claims made and property used by the Christian communities are exempted from taxes and fees of all kinds.

323. A presidential decree was issued in 2012 that brought into being a supreme committee for church affairs in the State of Palestine. The committee deals with affairs of concern to local churches, including questions related to the law, to real estate and to institutional matters. It also coordinates with local, regional and international bodies on church affairs and activities related to inter-religious dialogue.

324. With a view to ensuring the free practice of religious rituals and respect for ecclesiastical rights, the State of Palestine signed the Comprehensive Agreement with the Vatican in June 2015, the purpose of which is to regulate and protect the rights of Palestinian members of the Roman Catholic Church.

325. The State of Palestine guarantees all Palestinians the right to religious holidays. In addition to the holidays envisaged in the Labour Code and the Civil Service Act, Council of Ministers Decree No. 217 of 2004 grants holidays for the religious feasts of Eastern and Western Christianity, while Council of Ministers Decree No. 6 of 2016 grants holidays for the religious festivities of the Samaritan community.

326. According to a 2017 survey of Palestinians on Palestinian territory, conducted by the Central Bureau of Statistics and disaggregated by religion, Muslims number 4,615,683, Christians 46,850, followers of other religions 1,384 and non-declared 1,509, among a total population of 4,665,426.

Religious education

327. A module on Islamic education and a module on Christian education has been integrated into the basic curriculum followed in Palestinian schools. Under a decree issued on 9 August 2018 by the Minister of Education, twelfth-grade Christian textbooks have been integrated into the general secondary examination taken by Christian students.

328. Children from the Samaritan community of Mount Gerizim pursue their education in Palestinian schools. The community has its own school attached to the Ministry of Education, which, in addition to Samaritan children, is attended by others living near the Samaritan neighbourhood. The school, which follows the curriculum prescribed for other Palestinian schools, is also used to impart evening classes in Hebrew and theology to members of the community.

Violations and attacks against holy sites by the Israeli occupiers

329. Israel, the occupying power, controls the holy sites, including the Al-Aqsa Mosque, the Dome of the Rock, the Church of the Holy Sepulchre and other locations. In violation of freedom of belief, the authorities of the Israeli occupation use closures, checkpoints and the enforcement of a punitive and discriminatory system of permits to restrict the right of Muslims and Christians to visit holy sites. The effect of these measures is that the vast majority of persons are denied the practice of their religion.

330. As the policy of incitement, discrimination and racist hate speech on the part of the Israeli authorities continues, the Al-Aqsa Mosque is witnessing daily violations by the Israeli Government and settlers. At the same time Israel, the occupying power, is seeking to enforce the temporal and spatial division of the Al-Aqsa Mosque. Serious violations took place in July 2017 reaching the point that prayers at the Mosque were forbidden and security cameras and electronic gates were installed accompanied by a systematic policy of repeated intrusions. In addition to this, during the course of 2018, the Israeli occupying authorities issued 176 decrees to remove Palestinians from the Al-Aqsa Mosque, including clerics and staff. Israel, the occupying power, has also sought to pass discriminatory, racist and anti-religious laws, one example being laws banning the call to prayer.

331. The occupying forces allow attacks by Israeli settlers against persons frequenting the Ibrahimi Mosque/Tomb of the Patriarchs to continue and to escalate. In addition, the occupiers ill-treat worshippers and erect checkpoints and, in 2014, they banned the call to prayer from the Mosque on 624 occasions. The call to prayer was also banned on 590 occasions in 2015, on 644 occasions in 2016 and on 631 occasions in 2018.

332. Since 1967, Israel, the occupying power, has been carrying out systematic attacks on Christian holy sites, imposing restrictions and augmenting pressures. This has included a policy whereby arbitrary and exorbitant taxes are imposed on holy sites and restricted access for Palestinian Christians to the Church of the Holy Sepulchre and other churches. At the same time, Israeli settlers continue to desecrate Christian and Islamic places of worship and cover them in racist slogans, without being held accountable.

Article 19

333. Freedom of opinion and expression is a constitutional right guaranteed under the Declaration of Independence and upheld in the Basic Law, as amended, article 19 of which reads: "Freedom of opinion is not to be infringed. All persons have the right to express and disseminate their opinions orally, in writing or through any other means of expression or art, as provided by law."

334. The right to establish and the freedom to work in newspapers and media outlets are enshrined in article 27 of the amended Basic Law, as is the prohibition of censorship and control, with the exception of financial controls. Moreover, it is forbidden to issue cautions to a newspaper or media outlet, suspend, seize or abolish it save in accordance with the law and under a court order. This is upheld in the Printing and Publications Act of 1995, article 2 of which states: "The press and printing are to be free, and freedom of opinion is guaranteed for all Palestinians, who can openly express their views in speech or writing, pictorially or

graphically, using any means of expression and information.” Articles 3 to 5 of the same Act regulate the right of citizens, political parties, cultural and social organizations and unions to express their views and ideas, to make their accomplishments known and to circulate and disseminate news, information and statistics. Under the Act, all natural and legal persons, including political parties, have the right to own newspapers.

335. Article 21 of Decree-Law No. 10 of 2018 regarding cybercrime envisages freedom of opinion and expression in digital media. It guarantees freedom of the press and printing, including paper, visual, audio and digital publications, and freedom of artistic and literary creativity. No legal action may be taken to block or confiscate any artistic, literary, or intellectual work, or against the creators of such works, except by court order. No punishments of deprivation of liberty may be imposed for crimes committed because of the public nature of artistic, literary or intellectual work.

336. The code of conduct for Palestinian media professionals enjoins acceptance of democratic principles and respect for the opinions of others. It states that the media must systematically pursue freedom and democracy, preserve the cultural and national identity of the Palestinian people (without leading to isolation), adopt the values of tolerance and acceptance of others’ opinions, and give due coverage to matters of public interest through documented information while remaining attentive to marginalized groups and areas.

337. As a way of generalizing access to information via the Internet, the Palestine Telecommunications Company provides citizens with Internet services, directly or through licensed service providers. According to data from the 2017 census, 51.7 per cent of Palestinian households have Internet access, with the total number of high-speed Internet subscribers in the State of Palestine standing at 357,071 in 2017, as compared to 119,488 in 2010.

338. Articles 17–23 of Printing and Publications Act No. 9 of 1995 explain the procedures involved in obtaining a licence to issue publications or set up institutions, such as printing presses, publishing and distribution houses, research foundations, polling companies, press offices, translation bureaux and advertising agencies. Decree No. 18 of 2018 of the Council of Ministers regulates the systems and mechanisms whereby licences are granted to terrestrial and satellite radio and television stations, satellite broadcasting companies and offices of satellite and media production companies. Under article 5 (8) of the Decree, for a station to obtain a licence it must first gain technical approval from the Ministry of Communications and Information Technology and endorsement of its financial standing from the Ministry of the Interior. The decision to grant or refuse a licence is then made by the Ministry of Information within 60 days of the date of the application and the station is given an exclusive frequency once it has fulfilled all the technical requirements. Any decision to refuse a licence can be appealed before the High Court of Justice.

339. Licensed media organizations as of March 2018, according to data from the Ministry of Information, are shown in the table below:

Advertising agencies	370	Producers of stamps and seals	14
Printing presses	274	Information offices	26
Publishing and distribution houses	121	Polling companies	5
Libraries	255	Magazines	226
Press offices	145	Newspapers	112
Press agencies	38	Study and research foundations	156
Translation bureaux	56	Media production companies	90
Licensed radio and television stations	52	Licensed rebroadcasting companies	3
Licensed broadcasting companies	4 of which the occupiers have arbitrarily closed 2.	Offices of Arab and international satellite channels	5
Licensed national satellite channels	2	National satellite television channels awaiting a licence	2

Foreign media outlets

340. In order to obtain a licence, foreign channels must fulfil the same conditions and go through the same procedures as those outlined above and, in addition, must obtain approval from the Council of Ministers. Thus, an additional 30 days are granted for the issuance of a decision, and a decision to refuse a licence can be appealed before the High Court of Justice. There is no requirement for the owner of the foreign channel to be Palestinian.

341. As of 2015, most of the foreign satellite stations operating in the State of Palestine broadcast via the 9 accredited and licensed Palestinian satellite-broadcasting service companies, which serve some 150 Arab and foreign satellite stations. Four Arab and foreign satellite channels are licensed to operate directly from their own offices, without using the Palestinian broadcasting service offices. There are 78 accredited foreign media outlets and 53 Arab satellite television stations, but none in the Gaza Strip apart from the Al-Jazeera office. Other satellite broadcasters operate via media offices licensed to work with foreign reporters.

Legal restrictions on freedom of opinion and expression

342. Article 37 of the Printing and Publications Act prohibits the publication only of the following material:

- Any confidential information concerning the police and the security forces, their weapons, equipment, locations, movements or training;
- Material that disparages religions and religious doctrines that enjoy freedom under the law;
- Material that would damage national unity, incite crime, disseminate hatred, discord and conflict or give rise to sectarianism among members of society;
- Minutes of the confidential meetings of the National Council and of the Council of Ministers;
- Material or news intended to undermine confidence in the national currency;
- Material or news that would harm the dignity or personal freedom of individuals or damage their reputation;
- News, reports, letters, articles and images that are contrary to public morals;
- Advertisements promoting medicines, medical preparations, cigarettes and the like, unless publication is authorized in advance by the Ministry of Health.

343. Under article 23 of the same Act, a printing and publication licence cannot be revoked or withdrawn as long as there is no violation of the conditions under which it was granted, except where the licence expires automatically in cases where publication is suspended for an extended period of time, the length of which is defined by law depending upon the periodicity of the publication concerned. Newspapers issued by political parties are exempted from these provisions and do not lose their licence irrespective of how long they suspend operations. Moreover, a printing licence cannot be revoked as a penalty for a violation of publishing conditions. Such penalties are limited to monetary fines in limited cases set forth in article 47. A court can impose a temporary interruption of publication for a period of up to 3 months.

344. Slander, defamation and denigration are addressed in articles 188–199 and 358–367 of the Criminal Code (Act No. 16 of 1960) and in articles 201–209 of the Mandate-era Criminal Code. They are treated as offences that undermine the honour and dignity of individuals and that may be caused by a misunderstanding of the framework governing freedom of opinion and expression. Under current law, forms of behaviour that unduly and without legal justification undermine the honour and dignity of individuals, and that are contrary to freedom of opinion and expression, are punishable offences. The legal provisions relevant to such offences can constitute a challenge to freedom of opinion and expression due to errors committed when seeking to define the behaviour of an accused person using the terms set forth in the law. In order to promote freedom of opinion and expression, the State

of Palestine is preparing a draft criminal code that does not envisage such offences at all and is consistent with the International Covenant on Civil and Political Rights.

345. Decree-Law No. 16 of 2017 regarding cybercrime was met with a wave of criticism as a consequence of which it underwent debate within the community, with the involvement of civil society institutions, and a body of amendments was adopted which was then presented to the legislative harmonization committee. Subsequently, the original Decree-Law was replaced with Decree-Law No. 10 of 2018 regarding cybercrime, in which ambiguous provisions were removed, penalties lightened and substantial amendments introduced. Discussions are still ongoing between governmental bodies and civil society institutions to reach an optimal regulatory framework on cybercrime. This is evidence of a political will in the State of Palestine to safeguard freedom of opinion and expression and to involve civil society in the process of achieving consistency with international standards.

346. A unified draft law on the media is currently being prepared which will include electronic media, publicity and advertising, audiovisual media, classification of productions by age category, and the Printing and Publications Act. A committee has been formed to prepare, in cooperation with other competent bodies, a first draft of the new law on the basis of international standards governing the right to freedom of opinion and expression.

347. A national mechanism to report on the safety of journalists and on questions related to impunity was launched in November 2019. The mechanism – which reports on crimes and violations against journalists – envisages a team that includes relevant government ministries, the Palestinian Journalists' Syndicate (as the national partner of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the State of Palestine) and civil society institutions. The mechanism documents violations against journalists and submits its reports to UNESCO. It also offers vocational training on how to document human rights violations against journalists, in cooperation with the Independent Commission for Human Rights and OHCHR.

348. In August 2016, the State of Palestine officially signed the Declaration on Media Freedom in the Arab World, which entails a clear commitment to the principles of media freedom, press independence, access to information and the defence of journalists' rights.

349. With a view to promoting freedom of the media and the press, in June 2016 a cooperation agreement was signed between the Palestinian Journalists' Syndicate and the Office of the Public Prosecution of the State of Palestine. One of the most significant provisions of the agreement is that journalists are not to be detained by the Office of the Public Prosecution in cases related to freedom of opinion and expression. Moreover, the head of the Syndicate or his representative is entitled to be present when a journalist is being questioned, and they are to be informed of all the steps taken against journalists accused of offences related to the practice of their profession. In cases of flagrante delicto, the Syndicate is to be informed within 24 hours of any measures taken against a journalist. In addition, a line of communication has been established in order to deal with the daily problems that can arise in journalists' work.

350. In 2017 and in collaboration with the Palestinian government and partner institutions, the Palestinian Journalists' Syndicate launched a policy paper for the reform and development of the Palestinian media, the purpose being to set up mechanisms to support and develop the Palestinian press.

351. In September 2014, the media development centre at Birzeit University launched a nationwide initiative aimed at promoting the media in Palestine. The initiative – which covered legal reform, academic development, gender, infrastructure, media training, vocational safety, self-regulation, media and society, and public media – was signed by the Office of the Prime Minister with the participation of national institutions. The aim was to improve the status of official and unofficial Palestinian media outlets and bring them into line with international standards governing media freedom.

352. In partnership with national and international human rights institutions, the Ministry of the Interior has issued a manual on dealing with journalists in the field. The manual has been used in the course of several interactive workshops between representatives of the security services and the Palestinian Journalists' Syndicate.

353. Under their code of ethics and conduct, members of the Palestinian security forces must ensure the freedom of visual, audio and written media and the freedom of media professionals and journalists to work in all fields, and that they must facilitate journalists' access to information in a timely manner, in accordance with the law. Law enforcement agencies have also issued instructions and circulars stressing the need to respect the work of journalists. These include Circular No. 06/2017 issued by the Directorate General of Police, which reminds all police officers of the need to respect journalists, facilitate their work, protect them and guarantee their personal safety, the aim being to guarantee the exercise of freedom of opinion and expression and to protect the journalistic profession. In addition to this, Circular No. 08/2012, also issued by the Directorate General of Police, emphasizes the importance of respecting legal procedures when filing any report or complaint against a journalist and of monitoring by the competent authorities.

Court rulings

354. The national courts are eager to abide by the obligations arising from the country's accession to International Covenant on Civil and Political Rights and to highlight self-criticism and constructive criticism as aspects of freedom of opinion and expression. In that connection, in May 2017, the Nablus Magistrates' Court handed down a ruling in criminal case No. 3525/2016 in which it acquitted an accused person on charges of broadcasting false news liable to undermine national prestige, in violation of article 132 (1) of the 1960 Criminal Code; of inciting sectarian strife, in violation of article 150 of the Code; of defamation, in violation of article 193; and of insulting the Head of State or his deputy, in violation of article 132 (2). The Court ruled that the statements of the accused person in the course of a televised interview on a satellite channel were made in the context of his political views and did not constitute an offence. In its consideration of the charges, the Court drew on the provisions of article 19 of the Basic Law, as amended, which is consistent with article 19 (2) of the International Covenant on Civil and Political Rights, with article 32 of the Arab Charter on Human Rights, with article 19 of the Universal Declaration of Human Rights and with General Assembly resolution 53/144 of 1998, all of which reaffirm the right to freedom of expression.

Israeli violations against journalists and media organizations

355. In an effort to cover up the truth by suppressing the media and eradicating freedom of expression, Israel, the occupying power, obstructs the work of journalists, including Palestinian journalists. The year 2014, in particular, witnessed a series of bloody crimes against Palestinian journalists, especially during the Israeli attack against Gaza during which 17 journalists, one of them an Italian national, lost their lives.

356. In 2016, Israel, the occupying power, attacked 176 journalists and 18 media outlets. The same figures for 2017 were 458 and 48 respectively. The pace of Israeli violations against journalists and media freedom then escalated, with 679 violations in 2018. Violations range from arbitrary detention to the imposition of harsh and indiscriminate conditions on journalists such as bail payments and house arrest. Journalists have also been directly targeted with tear gas canisters and a number have been injured by live fire and rubber bullets.

357. Two photographers, Yasser Murtaja and Ahmed Abu Hussein, were killed after being fired on by soldiers of the Israeli occupation while covering the Great Return March in the Gaza Strip in April 2018. In November 2019, the journalist Moaz al-Amarna lost his left eye while covering an attack by the forces of the Israeli occupation against Palestinian protesters in Hebron.

358. The year 2018 also saw new Israeli legislation to restrict freedom of opinion and expression and the work of the press. This took the form of the approval by the Israeli Knesset of a law prohibiting the filming of soldiers of the Israeli occupation which, via the imposition of fines, would prevent journalists from recording the crimes committed by the occupying military forces. This is in addition to the arbitrary legal action taken against Palestinians to prevent them from exercising their freedom of opinion and expression.

Article 20

359. The commitment of the State of Palestine to the principles and objectives of the United Nations is enshrined in the Declaration of Independence. Article 150 of the 1960 Criminal Code envisages imprisonment or a fine for anyone whose writing, speech or actions seek to foment, or result in, sectarian or racial strife, or who seeks to incite conflict between the communities and groups of the nation.

360. In the same context, article 8 (d) of the Printing and Publications Act states that journalists must refrain from publishing anything that might fuel violence, intolerance or hatred or that would incite racism or sectarianism. Article 37 of the Act prohibits any material that disparages religions and religious doctrines that enjoy freedom under the law, or that would disseminate hatred, discord and conflict or give rise to sectarianism among members of society.

361. Under article 24 of Decree-Law No. 10 of 2018 regarding cybercrime, anyone who creates a website, an electronic application or an online account, or who disseminates information via the Internet or via any other form of information technology for the purpose of displaying any written words or behaviours that might lead to racial or religious hatred or to racial discrimination against a particular group on grounds of ethnicity, community, colour, appearance or disability, is liable to imprisonment and/or a fine.

362. Article 66 of the Decree-Law regarding general elections prohibits the use of electoral propaganda containing any criticism of or incitement against other candidates on grounds of their sex, religion, community, profession or disability, or that would provoke tribal or sectarian strife among the groups in society, or that would cause any conflict that could affect the unity of the Palestinian people.

363. The greatest cause of provocation remains the Israeli colonialist occupation, under whose yoke the State of Palestine languishes. At the same time Israel, the occupying power, uses official discourse and media platforms as a means of inciting racism against Palestinians, spreading inflammatory and racist statements, allegations and ideas calling for the killing of Palestinians and justifying the violations, massacres and crimes committed against them. Among these racist statements was one published by the newspaper *Israel Today* on 18 May 2016: “The ethnic cleansing of Palestinians was a victory for justice”.

364. Official Israeli discourse also incites against the struggle of the Palestinian people, especially Palestinian prisoners. Such allegations seek to criminalize the legitimate resistance of the Palestinian people against the occupation and their right to self-determination, which has been upheld in international resolutions. The prevalent Israeli narrative stigmatizes the Palestinian struggle and Palestinian prisoners with the word “terrorism”; moreover Israel, the occupying power, has launched an inflammatory campaign against financial allocations for Palestinian prisoners – who are victims of Israeli arbitrary detention – on the pretext that such payments are a form of “support for terrorism”. This constitutes a violation of international law, including the Geneva Conventions; in fact, according to the Fourth Geneva Convention, the Detaining Power shall provide for the support of those dependent on the internees, if such dependents are without adequate means of support or are unable to earn a living.

Article 21

365. Article 26 (5) of the amended Basic Law guarantees the right to hold private meetings without the presence of police officers and to hold public meetings, marches and gatherings within the limits of the law. This right is regulated under Public Assemblies Act No. 12 of 1998, which defines a public meeting as “any public gathering where at least 50 people have been invited to attend in an open public place, including public squares, fields, stadiums, parks, etc.”

366. Signed written notification must be delivered to the governor or director of police at least 48 hours before a public meeting is due to be held, specifying the venue, time and purpose of the gathering. The governor or director of police may place conditions on the duration or course of the meeting in order to safeguard the movement of traffic, which are to

be conveyed in writing to the organizers within 24 hours of the delivery of the notification. If the organizers receive no written reply, they may hold the public meeting as specified in their notification.

367. Decree No. 1 of 2000 of the Minister of the Interior, which contains the implementing regulations of the Public Assemblies Act, states that the director of police may request a meeting with the organizers to discuss the details of a public gathering. Such a meeting can serve to ensure that participants stay away from trouble spots and that the gathering does not violate the law or threaten public order. The director of police may impose security requirements as a way of ensuring the public safety.

368. The implementing regulations stipulate that the response from the police to a written request to hold a public gathering should take the form of a written authorization setting forth the conditions and security requirements, as determined by the director of police, in addition to any other conditions. The police have the right, in accordance with the law, to terminate and break up a gathering if it departs from its purpose, violates the conditions under which it was authorized, disturbs security and public order or is marred by rioting that endangers the well-being or property of citizens.

369. The code of conduct concerning the use of force and firearms by members of the Palestinian security forces takes full account of the principles of necessity, proportionality, graduality and accountability, while also reconciling the maintenance of security and public order with the safety of citizens. The code prohibits the arbitrary use of force and firearms while article 20 of the text describes the procedures to be followed to disperse a non-violent gathering, and article 22 the procedures for dispersing an unlawful gathering.

370. As concerns accountability, following the events that took place during the vigil before the court complex in Birah and Bethlehem in March 2017, a commission of inquiry – with members from the Independent Commission for Human Rights and the Bar Association – was established by decree of the Prime Minister and the Minister of the Interior to uncover the truth behind the incident. In the light of the findings of the commission of inquiry, the Prime Minister signed a document regarding the implementation of its recommendations on the “court complex” events.

371. Beginning in September 2018, the nation’s governorates, and Ramallah in particular, witnessed a series of public protests against a decree-law on social security. These peaceful rallies, which continued for five months, were characterized by very high levels of discipline on the part of security forces and adherence to the principles of freedom of peaceful assembly and freedom of opinion. No violent incidents took place and the protests came to an end in January 2019 when the protesters’ demands were met and the decree-law on social security was withdrawn.

372. In June 2018, human rights activists staged a peaceful public protest in Bethlehem demanding a series of political changes. The protest was met with discipline on the part of the security forces, who withdrew as soon as they had ascertained that the situation was stable and secure and that there were no disruptions or threats to public order. After that, only the traffic police remained on hand to ensure the movement of vehicles and the right of way.

373. Palestinians also staged a great wave of weekly peaceful demonstrations along the fence delimiting the Gaza Strip. The demonstrators were demanding the right of return of Palestinian refugees, as enshrined in General Assembly resolution 194, and the lifting of the illegal blockade of the Gaza Strip imposed by Israel, the occupying power. According to the report of the United Nations independent international commission of inquiry on the protests in the Occupied Palestinian Territory, the demonstrations were “civilian in nature” and the demonstrators were generally unarmed, while the Israeli occupying forces used excessive force against them. This led to the death and injury of thousands of demonstrators, including children, women, persons with disabilities, journalists and paramedics, who were deliberately targeted.

Article 22

374. The Palestinian Declaration of Independence stipulates that all Palestinians are to enjoy full equality of rights under a democratic parliamentary system that is based on freedom of opinion and the formation of political parties. For its part, article 26 of the amended Basic Law states that Palestinians have the right to participate in political life, both individually and collectively. In particular, they have the right to form and join political parties, trade unions, associations, federations, leagues, clubs and popular institutions, in accordance with the law.

Associations

375. Historically speaking, associations have always played a prominent role in Palestinian society and have been involved in many aspects of cultural, social, rights-related and voluntary work as well as in services and other areas. The right to form associations and the exercise of all non-profit activities are regulated by legislation. The Charitable Associations and Civil Society Bodies Act of 2000, and its implementing regulations, set forth the procedures for forming such groups. Article 1 of the Act reads: “Palestinians have the right freely to engage in social, cultural, professional and academic activities, which includes the right to form and manage associations and non-governmental bodies in accordance with the provisions of this Act.”

376. The formalities for registering an association are explained in article 4 of the Act. An application for registration is to be presented to the competent department of the Ministry of the Interior, after which the Minister must issue a decision within no more than two months from the date the application was made. If, two months after the application was presented to the competent department, no decision has been taken, the association or body is automatically considered to be registered by law. If the Minister of the Interior rejects an application for registration the decision must be duly reasoned and the applicants have the right to lodge an appeal before the competent court within 30 days of the date they receive written notification of the rejection. Under article 14 of the Act, associations and bodies are exempt from taxes and customs duties on the movable and immovable assets required to achieve their objectives as set forth in their statutes. As of 2018, there were 3,982 registered associations in the State of Palestine.

Political parties

377. Palestinian parties and factions have played an important role in national history. Most of them came into being as factions and forces created to resist the occupation then, thanks to their revolutionary and popular legitimacy, earned the right to continue to exist. Many political factions and forces were incorporated into the framework of the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, although their internal affairs continue to be governed by their own statutes. The amended Basic Law affirms the right to form and join political parties, while articles 48–53 of Elections Act No. 13 of 1995 explain how to register political groupings with a view to participating in elections.

378. Israel, the occupying power, violates the right of Palestinians to form and join political parties, as Palestinian factions and parties are considered illegal under the military laws and orders issued by the authorities of the unlawful Israeli occupation. In that context, the occupying authorities consider the affiliation of Palestinians to political parties to be a crime and, thus, persons who do belong to a party are liable to arbitrary arrest. The Israeli occupiers also violate the right to form associations and institutions and, between 2000 and 2009, closed more than 35 institutions in occupied Jerusalem, including the Palestinian Prisoner Society.

Trade unions

379. The Palestinian trade union movement emerged in the early 1920s. The right to form trade unions is regulated under the Labour Code (Act No. 7 of 2000), and the Ministry of Labour registers unions and monitors their activities. As of 2019, there were 566 trade union organizations registered with the Ministry.

380. As of June 2019, members of trade and professional unions accounted for 19.3 per cent of the workforce. Male members of trade and professional unions accounted for 17.2 per cent of the male workforce, and female members of trade and professional unions accounted for 30.7 per cent of the female workforce.

381. The right to strike is regulated under article 67 of the Labour Code. The party intending to strike must provide the other party and the Ministry of Labour with written notification explaining the reasons for the action. Such notification is to be given two weeks before the intended strike action, or four weeks in the case of public institutions, and it must be signed by 51 per cent of the employees of the establishment concerned or, in the case of closure, by the same percentage of the managing board. Striking and closure are not permitted while proceedings are underway to consider a collective dispute.

382. A ministerial committee has been formed that is cooperating with partner institutions to study and draft a new bill to regulate trade unions in the light of standards concerning union freedom and plurality. The bill is intended to regulate the formation of trade union organizations, employers' organizations and public-sector unions.

Article 23

383. Under the Personal Status Act, marriage is a contract between a man and a woman whom it is permissible for him to marry, for the purpose of forming a family and procreating. The Personal Status Act No. 61 of 1976 is applicable to personal status matters in the West Bank, while the law applicable in the Gaza Strip is the Family Rights Act No. 303 of 1954. For its part, the sharia court in Jerusalem applies the current personal status laws of the Hashemite Kingdom of Jordan, notably the Jordanian Personal Status Act No. 36 of 2010. These laws are all based on Islamic sharia. As for the Christian communities, each applies its own personal status laws in its own ecclesiastical court.

384. The personal status laws of Muslims and Christians coincide on certain general principles concerning marriage, the most important of which are: that a contract of marriage can be concluded only between a man and a woman; that the full and free consent of both parties is a core condition for a marriage to be valid; and that personal status documents must be registered before sharia or ecclesiastical courts.

Marriageable age

385. In order to fulfil its obligations under human rights treaties and to implement treaty body recommendations, chiefly those of the Committee on the Elimination of Discrimination against Women, the State of Palestine issued Decree-Law No. 21 of 2019 to amend certain pieces of personal status legislation that fixed marriageable age. The Decree-Law states that eligibility for marriage requires both parties to be of sound mind and both to be at least 18 years of age.

Rights and duties of spouses

386. Marital relations are based on reciprocity of rights and duties wherein each partner treats the other well, and the wife obeys her husband in all permissible matters while the husband is responsible for maintaining the household. Both spouses are responsible for the upbringing of their children and for administering their children's assets until they attain their majority. These responsibilities fall chiefly upon the father even if the children are under the custody of their mother or relatives. Legislation also requires the wife to live in the home of her legal husband and to move home when he does, and a marriage contract may not include any clause that is at variance with that provision. A wife may not refuse to live in her husband's home save for a legitimate reason the validity of which is to be decided by the courts. Moreover, personal status laws forbid women who have custody of children from travelling without consent from the children's guardian.

387. The husband and wife hold their financial assets independently, and each has the right to own, administer and supervise their own funds and property independently of the other. In

the case of divorce, both spouses retain their own assets even if those assets were acquired during their married life.

Divorce and separation

388. A man has the right to divorce his wife of his own will and for any reason, even without her consent, and he must register the divorce with the sharia court. If the divorce takes place in absentia, the court must notify the wife within one week of the registration. For her part the wife can insist that the marriage contract give her the right to opt for a divorce. In such a case, she can dissolve the marriage union if her husband violates his marital obligations as enshrined in the law and in the marriage contract. To that end, she can bring a case for separation before the sharia court via consensual or court-mediated *khul'* proceedings. A woman also has the right to demand that the judge award her compensation if her husband has divorced her arbitrarily and on irrational grounds. An award of compensation does not affect the divorced woman's other marital rights, including the right to maintenance. As concerns the Christian communities, some of them admit divorce, such as the Orthodox, while others admit separation, such as the Catholics.

Child custody

389. Under the Personal Status Act, a mother has the right to keep custody of her children as long as she has the necessary capacity. After the mother, custody reverts to the next woman in the line of succession provided for in the Hanafi school. The woman who retains custody forfeits that right if she marries a man who is not in a degree of consanguinity that precludes marriage to the child in her custody (*mahram*). Her right is restored if the reason for its removal no longer subsists.

390. According to the 1976 Personal Status Act, a mother's custody over her children lasts until they attain their majority. For female custodians other than the mother custody ends, in the case of a boy, when he reaches the age of 9, and in the case of a girl, when she reaches the age of 11. Under the Family Rights Act, a judge can extend the woman's custody over a girl from the age of 7 up to the age of 9 and, over a boy, from the age of 9 up to the age of 11, if the child's interest so warrant.

391. As concerns the right of children to meet and visit their parents, Circular No. 59/2012 issued by the Bureau of the Chief Qadi reaffirms the right of the non-custodian parent to host the children once a week for up to 24 hours, taking account of their age, circumstances and best interests. The hosting period may be extended, with the agreement of the two parties and with due sureties. Family reconciliation plays an important part in determining and achieving children's best interests.

Family reunification

392. The fact that the authorities of the Israeli occupation control the Palestinian population register means that many families are separated, because thousands of Palestinians are prevented from entering or leaving the country or because one of the spouses is from the Gaza Strip. Moreover Israeli citizenship laws, which are rooted on racial and national discrimination, prevent the reunification of families in which one spouse is a Palestinian from Jerusalem and the other is a Palestinian from the West Bank or the Gaza Strip.

Polygamy and forced marriage

393. A man may marry up to four wives on condition that he treats them all equally, while a wife may stipulate in the contract of marriage that her husband cannot take other wives. If he then does so, she has the right to take action. All the Christian schools prohibit polygamy.

394. Article 34 (3) of the 1976 Personal Status Act and article 36 of Family Rights Act No. 303 both state that a marriage is invalid if it takes place under duress. For its part, article 44 (8) of the Children's Act, as amended, prohibits subjecting children to forced marriage.

395. According to the Palestinian Central Bureau of Statistics, about 20 per cent of the women who married in 2017 were under the age of 18. In 2010 that figure stood at 24 per cent.

Article 24

396. Article 29 of the amended Basic Law imposes a national obligation to care for children and mothers. Children, moreover, have the right to comprehensive protection and care; they are not to be exploited for any purpose and they are to be protected against abuse and ill-treatment. If children are sentenced to a penalty of deprivation of liberty, they are to be held separately from adults and they are to be reformed while being treated in a manner consistent with their age.

397. The Children's Act, as amended, envisages the right of children to be recorded in the civil register as soon as they are born. According to articles 17–19 of the Civil Status Act, someone is to be charged with responsibility for informing the Ministry of the Interior of the birth and for providing information about the infant after which, once the birth has been duly registered, a birth certificate is issued. Article 16 of the Children's Act states that children have the right to an appropriate name that is not insulting or degrading. As concerns children of unknown parents, the Ministry of Social Development oversees the registration procedures and, having verified that the child's dossier is complete, sends it to the Ministry of the Interior so that the infant can be registered and a birth certificate issued.

398. Article 947 of the Compendium of Legal Judgements states that a person with discernment is one who "is able to administer and preserve his assets and who can guard against imprudence and dissipation".

399. Article 18 of the Children's Act stipulates: "Every Palestinian child has, as soon as they are born, the right to Palestinian nationality, in accordance with the provisions of the relevant law." However, as stated earlier, the occupation prevents the issuance of a Palestinian law regulating the right to nationality.

Juveniles

400. The Decree-Law of 2016 concerning the protection of juveniles embraces the concept of the best interests of the child; this includes restorative justice, mediation and reparation measures. Article 1 of the Decree-Law defines a juvenile as: "A child who is under the age of 18 when he or she commits a criminal offence or is in a situation that places him or her at risk of delinquency." The age of criminal responsibility is 12.

401. In order to ensure their best interests, units for juveniles were set up in 2016 as part of the structure of the police and of the Office of the Public Prosecution. Specialized judges have been appointed, a digital system has been introduced to control the duration of cases, efforts are being made to ensure the confidentiality of trial proceedings and legal fees have been waived. Beginning in 2013, the Ministry of Social Development has been recruiting lawyers in the West Bank in order to provide free legal aid for children, while memorandums of understanding have been signed with NGOs that provide such services.

402. The Prosecutor General has instructed that juveniles should be detained only as a last resort; if they are held in custody, they should be placed in social welfare institutions; they should be kept separate from adults, both at court and in places of detention, and no juvenile under the age of 15 should be held in custody at all. As a consequence, there has been a perceptible decrease in arrests of juveniles by juvenile-court prosecutors, from over 600 arrests in 2016 to 158 in 2017.

403. Under a 2010 decree of the Council of Ministers, the Ministry of Social Development set up a national commission for juvenile justice. Subsequently, in 2016, the same Ministry developed a strategic plan for juvenile justice and set up a committee to monitor the implementation of the Decree-Law concerning the protection of juveniles. The Ministry has also developed a procedural guide for the referral of juveniles in which the roles of the various organs of the judiciary and of other governmental bodies are explained, as well as a guide to alternatives to detention. Moreover, a memorandum of understanding has been concluded between the Supreme Judicial Council and the Ministry regarding follow-up on issues related to juvenile justice.

404. Dar al-Amal is a social welfare institution for the detention and custody of juveniles in the West Bank while Dar al-Rabea performs the same function in the Gaza Strip. Both

institutions take in children between the ages of 13 and 18. There is no equivalent institution for female juveniles although the care home for girls has, over past years, taken in girls who are in conflict with the law. These institutions are part of the Ministry of Social Development and are periodically visited by the Office of the Public Prosecutor, the Independent Commission for Human Rights and NGOs.

405. A total of 236 children were held in Dar al-Amal in 2014, 170 in 2016 and 205 in 2017, while, in 2014, there was a single case of a girl in conflict with the law being held in the care home for girls. The low number of girls may be attributed to the prevailing societal culture whereby such cases are often resolved very quickly, before they even reach the courts. Work is currently underway to improve Dar al-Amal and to adopt a system of education and of medical and psychological testing for the young inmates. In the course of 2015, 900 juveniles were held in Dar al-Rabea which, in coordination with the Palestinian Centre for Democracy and Conflict Resolution, provides free legal aid to juvenile offenders. A reformation committee has been set up inside the institution to follow up on cases involving juveniles.

Arrest and torture of Palestinian children by the Israeli occupation forces

406. Thousands of Palestinian children have fallen victim to the systematic and widespread Israeli practice of arbitrary detention. Between 2000 and 2020, some 18,000 Palestinian children were held in the prisons of the Israeli occupation. And detained children have been subjected to various forms of torture, abuse, humiliation and denial of the most basic human rights.

407. One of the findings of the report of Defence for Children International on children arrested by the Israeli occupation forces was that 324 out of the 429 Palestinian children arrested between 2012 and 2015 were subjected to physical violence. Israeli interrogators used verbal abuse, threats and solitary confinement to extract confessions from a number of detained children. All children convicted by the occupation forces between 2012 and 2015 received custodial sentences.

Prohibition of discrimination

408. According to article 3 of the Children's Act, as amended: "(a) All children are to enjoy the rights envisaged in the present Act without discrimination on grounds of sex; colour; nationality; religion; language; national, religious or social origin; wealth; disability; birth; parentage or discrimination on any other grounds; (b) The State is to take all appropriate measures to protect children from discrimination of all kinds, in order to ensure effective equality and to guarantee the rights enshrined in the present Act."

409. Inheritance rights are addressed under current personal status laws.

Children deprived of a family environment

410. Children's right to alternative care arrangements is covered under existing legislation, with article 32 of the amended Children's Act stating: "Children who have been deprived of a natural family environment, whether permanently or temporarily, have the right to alternative care: (a) In an alternative (foster) family that provides guardianship and care; (b) In public or private social welfare institutions, if no foster family is available."

411. The Ministry of Social Development also provides care services for orphans, with cash payments to all children who have lost their father or both their parents. Children of unknown parentage and orphans deprived of a family environment are sometimes cared for in private institutions or foster families under the supervision of the Ministry of Social Development. There are currently five child welfare institutions in the State of Palestine.

412. The placement system is regulated by the Foster System Regulations, which were endorsed by the Council of Ministers in 2013. Under the Regulations – which apply to children of unknown parentage and children deprived of care within their own families – foster families must fulfil certain conditions. A placement database has been set up and a procedural manual developed on how to interact with children of unknown parentage and children born outside marriage.

413. Adoption in its globally accepted sense does not exist in the State of Palestine, the alternative being a system of tutelage or placement. Under the tutelage system the needs of the tutored child are fully addressed and the child enjoys rights equal to the sponsor's own offspring with the exception of the legal rights stemming from family lineage such as those relating to marriage, inheritance, etc. The following documents can be issued for a tutored minor: a birth certificate with an invented four-part name, a custody document and, possibly, a passport.

414. Decree-Law No. 10 of 2019 concerns evidence linked to adoption among Christian communities. The purpose of the Decree-Law is to enable the adoption of children of unknown parents by Christian families if the evidence points to the children themselves being Christian.

Protection against human trafficking

415. Article 42 of the Children's Act, as amended, dictates that children must be protected from all forms of exploitation, including sexual exploitation. Article 44 (5) of the Act states that the sexual or economic exploitation of children constitutes a threat to children's well-being, one to which they must not be exposed. According to article 47, a child is at risk of delinquency if he or she is found, lives or works in an environment related to prostitution, debauchery or immorality or similar illicit actions. One task of child counsellors is to undertake preventive and therapeutic intervention in all cases where the well-being of children is threatened (art. 52).

416. In 2017, the State of Palestine acceded to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Child labour and the economic exploitation of children

417. Article 14 of the Children's Act, as amended, prohibits the employment of children under the age of 15. It also prohibits employing children in hazardous work or in any form of labour that might impede their education or damage their health. Violations of these provisions are punishable with a fine of between 1,000 and 2,000 Jordanian dinars, with the penalty being increased in accordance with the number of victims. For repeat offences, the penalty can even extend to the full or partial closure of the establishment concerned. Article 43 of the Act prohibits the use of children for begging or their employment in unlawful conditions.

418. The table below shows the proportion of children aged 10–17 who work, with or without pay, according to data from the Central Bureau of Statistics:

<i>Year</i>	<i>Total</i>	<i>Boys</i>	<i>Girls</i>
2016	3.9%	7.4%	0.3%
2017	3.4%	6.6%	0.1%
2018	3%	6%	0.2%

419. There is a widespread phenomenon of "disguised begging", whereby children sell simple items, usually at places such as Israeli military checkpoints or traffic lights. The Ministry of Social Development coordinates with other bodies to monitor such children and takes action to protect them. In 2017, 27 cases of begging were addressed, 12 involving boys and 15 involving girls. One obstacle to protecting children from economic exploitation lies in the fact that the Israeli occupiers deliberately impede the access and operations of the Palestinian police, making it difficult for them to arrest persons suspected of involvement in the economic exploitation of children. Moreover, the economic situation in the Gaza Strip, which has been worsened by the Israeli blockade, has left many schoolchildren looking for work, sometimes hazardous work.

420. With a view to formulating policies to protect children from economic exploitation, and in partnership with civil society institutions and trade unions, the Minister of Labour issued Decree No. 80 of 2013 for the formation of the National Committee on Child Labour.

421. The Office of the Public Prosecutor for Juveniles and the relevant police departments and ministries conduct field visits to places of work and take appropriate action if they discover any violations. The Ministry of Labour receives complaints, which it verifies then pursues before the courts. Child victims of economic exploitation are offered rehabilitation in vocational training centres run by the Ministry of Labour then reintegrated into society where they continue to be monitored via the child protection network. Ministries also carry out awareness-raising campaigns on child labour and exploitation in various fields.

422. The outcome of an inspection conducted by the Ministry of Labour in 2015 showed that visits had been carried out in 4,727 establishments employing 55,179 workers of whom 167 were found to be children. The following action was taken in regard of child-labour offences: cautions issued in 3 cases; dismissal in 4 cases because the work being performed was of a kind prohibited for children; guidance provided for the child and the employer in 8 cases; establishment closed and child dismissed in 1 case; warnings issued in 40 cases; and matter referred to the Ministry of Social Development in 2 cases. In addition to this, 16 cases in which children were being exploited inside the Green Line were referred to the Ministry of Social Development for it to apply protection measures in accordance with the law.

Article 25

423. The Declaration of Independence stipulates that the State of Palestine is for Palestinians wherever they may be and is to be governed by a democratic parliamentary system. The Basic Law, as amended, states that the people are the source of authority and that the system of governance in the State of Palestine is to be democratic, representative and based on political and party pluralism. According to electoral laws, presidential and legislative elections are to be held every four years while the central electoral commission is responsible for managing, supervising and ensuring the impartiality of the electoral process.

Conditions governing elections and candidacy for elections

424. Decree-Law No. 1 of 2007 regarding general elections regulates both presidential and legislative elections. Article 28 (1) of the Decree-Law states that the right to vote applies to all Palestinians in the West Bank, including Jerusalem, and the Gaza Strip, irrespective of their religion, opinions, political affiliation, social or economic status or educational attainments.

425. Article 27 of the Decree-Law stipulates that, in order to be eligible to vote, an individual must be Palestinian, be at least 18 years of age and be registered in the definitive electoral roll. For the purposes of the Decree-Law a person is deemed to be Palestinian:

- (a) If he or she was born within the borders of Palestine as delineated at the time of the British Mandate or had the right to acquire Palestinian citizenship under laws in effect at that time;
- (b) If he or she was born in the Gaza Strip or West Bank, including Jerusalem;
- (c) If the provisions of paragraph (a) above apply to any of his or her ascendants, regardless of their place of birth;
- (d) If he or she is the spouse of a Palestinian woman or Palestinian man, as defined above.

426. Under article 36 of the Decree-Law regarding general elections, candidates for the post of President must be Palestinian born to Palestinian parents, be at least 40 years of age, be permanently resident on Palestinian territory and fulfil the conditions required to exercise the right to vote.

427. Under article 45 of the Decree-Law, candidates for membership of the Legislative Council must be Palestinian, be at least 28 years of age, be registered in the definitive electoral roll, not have been convicted for a serious offence or for a breach of honour or trust and be permanently resident on Palestinian territory.

428. Article 7 of Local Council Election Act No. 10 of 2005 stipulates that, in order to be eligible to vote in local council elections, an individual must be Palestinian, be at least 18 years of age, be resident in the relevant electoral district for a period of at least 6 months prior to the election, be registered in the definitive electoral roll and not have lost legal capacity.

429. Under article 18 of the Decree-Law, candidates for membership of local councils must be registered in the definitive electoral roll, fulfil the conditions required to exercise the right to vote, not have been convicted for a breach of honour or trust or for a major offence, not be a functionary or employee of the Ministry of Local Government, the security services or a local body, or a lawyer serving one of those institutions, be resident in the electoral district where they are standing for a period of at least one year prior to the election and not be a candidate in another district or on another list.

Legislation depriving citizens of their right to vote and stand as candidate in elections

430. Under, respectively, articles 29 (1) and 37 of the Decree-Law regarding general elections, persons can be deprived of their right to vote or to stand for President if a definitive court order has been issued against them depriving them of that right or depriving them of legal capacity, if they have been convicted for a breach of honour or trust and have not been rehabilitated or if they have acquired Israeli nationality.

431. According to article 326 of the Commercial Code (Act No. 12 of 1966): “Persons who are bankrupt lose their political rights in the month in which their bankruptcy is declared. They may not vote or be elected to municipal councils or to professional bodies and they may not discharge public duties or functions.”

Electoral system

432. Under current electoral laws, presidential elections take place by direct, free and secret universal ballot. Members of the Legislative Council and of local councils are elected by secret ballot using a list-based system of proportional representation.

433. As a way of promoting women’s right to political participation and to involvement in general and local elections, electoral laws have embraced a “female quota” system. In fact, the Decree-Law regarding general elections and the Local Council Election Act both set minimum levels for female representation on electoral candidate lists. However, the level of female representation is still only at the levels dictated by the law and has not yet reached 30 per cent, which was the level set in political parties’ self-imposed pledge.

434. Electoral legislation also envisages the allocation of seats for Palestinian Christians in some local electoral districts and in legislative elections, as well as a seat for the Samaritan community in the Nablus district.

435. Voters who are illiterate or have a disability that prevents them from marking the ballot paper for themselves can, with the agreement of the staff at the voting station, seek assistance from a person of their trust. The ballot is then to be monitored by the electoral commission.

Local elections of 2017

436. During the local council elections of May 2017, 587 lists were presented with a total of 4,822 candidates, with women accounting for 26 per cent of all candidates. On 199 councils, the candidates won by acclamation as only one electoral list had been presented for the district.

437. The 2017 elections were monitored by 78 local and international institutions. In addition, there were 914 accredited journalists, as compared with 557 in previous elections. The central electoral commission considered 102 administrative appeals concerning the 2017 election and, of 34 cases referred to the local-council electoral appeals court, 4 were admitted.

438. Israel, the occupying power, imposes severe restrictions on Palestinians’ freedom of travel thereby hindering the movement of voters and of staff of the central electoral commission. It also rejects any arrangements that might allow prisoners to participate in the voting process and it arrests members of the Legislative Council. In addition to this, Israel

engages in numerous forms of harassment against Jerusalemites, such as threats of forced deportation, something that led to their decreased participation in the second legislative elections. In 2004, the occupying authorities closed voter registration centres in Jerusalem and arrested the people working there.

Public office

439. Article 26 (4) of the amended Basic Law stipulates that access to public office and public-service posts is to be governed by the principle of equal opportunity. Moreover, appointment and promotion in State functions is to be marked by equality and non-discrimination among candidates, and criteria of competence and experience are to be applied in the selection of candidates. A minimum quota of 5 per cent is set for the employment of persons with disabilities.

440. Under article 24 of the Civil Service Act, as amended, persons appointed to public office must be Palestinian or Arab, be at least 18 years of age, be free from any illnesses that might impede the discharge of their duties (persons with disabilities may be employed if their disability is not such as would prevent them discharging their duties) and not have been convicted for a major offence or for a breach of honour or trust, unless they have been rehabilitated.

441. According to article 96 of the Act, the service of public functionaries ends when they reach the mandatory age of separation, if they are unfit for duty, if they resign, if they lose their post, if they are pensioned off or dismissed from service, if a definitive sentence is handed down against them for a major offence or for a breach of honour or trust, or if they die. Jurisdiction to consider disputes relating to public office lies with the High Court of Justice.

Article 26

442. Equality, non-discrimination, rule of law, equality before the law and the courts, and a guaranteed right for all persons to have recourse to justice are enshrined in the Declaration of Independence and in the amended Basic Law. The Palestinian judicial system provides remedies without discrimination while numerous legal and administrative provisions exist that explicitly prohibit discrimination. These include article 18 of Decree No. 3 of 2006 of the Supreme Judicial Council, which concerns a code of conduct for the judiciary and states: "In the discharge of their judicial functions judges must, in their words and deeds, treat all persons equally, whether or not they are parties to the case, and must not discriminate between them on grounds of religion, race, colour or for any other reason."

Article 27

443. The legal and political system of the State of Palestine contains no restrictions that may prevent anyone from exercising their right to culture or to profess their religion and practise their religious rites. This is clearly set forth in the Declaration of Independence, which is the highest-ranking document in the legislative hierarchy of the State of Palestine. It stipulates that the State of Palestine is the State of Palestinians wherever they may be. Therein they shall develop their national and cultural identity, enjoy full equality of rights, and have their religious and political beliefs and human dignity safeguarded under a democratic parliamentary system based on equality and on non-discrimination in public rights on grounds of race, religion or colour, or between men and women.

444. It should also be emphasized that any mention of individual ethnic, religious or linguistic characteristics within Palestinian society in no way compromises the Palestinian identity of such groups or implies that they are "minorities" in the Palestinian legal system. On the contrary, they are part of the Palestinian "whole", which has its own ethnic, linguistic and cultural specificities.

445. Palestinian society is characterized by its harmony, its seamless national fabric and its Palestinian identity. One expression of this is to be found in its cultural associations and

centres, museums and religious rituals. By way of example, Palestinian Samaritans perform their religious rituals at their synagogues in Nablus (Mount Gerizim) and still speak to one another using the Samaritan language, an ancient Semitic tongue. A number of Samaritan institutions have been established including the Samaritan Legend Association, a Samaritan youth club, a Samaritan study centre and the Samaritan Museum in Mount Gerizim, which celebrates Samaritan heritage.

446. In order to preserve Armenian culture, a club for local Armenians has been established, as well as an association for Armenian youth, the Araks Catholic club and an Armenian charitable association in Jerusalem. Armenian Palestinians continue to use the Armenian language among themselves and have access to a cultural infrastructure that includes the library and museum of the Monastery of St. Jacob. Other institutions have been created such as the Association of St. Mark in Jerusalem, the Syriac Club, the St. Ephrem Syriac Orthodox Society. The magazine *Al-Hikma* seeks to revive Syriac culture and the St. Ephrem school has been founded for the teaching of Aramaic.

447. Palestinians of African descent in Jerusalem run an association that acts as an important community centre for political and cultural events. Palestinian Copts use Coptic in their religious rites and rituals, while the Coptic Church owns a number of civil institutions of which perhaps the best known are the Coptic schools. Famous Coptic churches and monasteries in Jerusalem include the Monastery of the Sultan, the Monastery of Saint Anthony, the Monastery of St. George and the Church of the Blessed Virgin. In Jericho there is the Monastery and Church of St. Anthony and the Monastery and Church of Sts. Zacchaeus and Andrew. Palestinians of Moroccan origin have established a Moroccan women's association in Jerusalem. The Moroccan quarter itself contained dozens of archaeological sites, the most famous being the Afdaliyyah School, but the bulldozers of the Israeli occupiers destroyed the 135 archaeological buildings there.

448. The ongoing violations being committed by Israel, the occupying power, and its systematic and widespread racist policies effectively prevent the State of Palestine from acting to guarantee Palestinians' right to culture. These violations include forcibly entering, confiscating and closing institutions, cancelling events, suppressing cultural activities that express Palestinian identity, etc., particularly in occupied Jerusalem, as part of a plan to Judaize the city.

449. The State of Palestine promotes the active involvement of all Palestinian people in the administration of public affairs. Conditions governing voting and candidacy, as set forth in current electoral laws, do not discriminate between Palestinians on grounds of race, colour, descent, religion or national or ethnic origin. With regard to temporary measures, the municipality of Bethlehem has a permanent seat for Syriacs, while Priest Saloum Amram Yitzhaq was elected to the Palestinian Legislative Council in 1996.

450. The State of Palestine acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 2014. It is working to implement the concluding observations issued by the Committee on the Elimination of Racial Discrimination following its consideration of the initial report of the State of Palestine, and is taking action and applying measures to protect the rights of the groups protected under the Convention.
